



Oakcrest Planned Unit Development

Final Environmental Impact Report:
Summary of Comments and Responses

City of Oakland

EIP Associates

September 1992



File No. ER 88-37
Ref. No. PUD 88-367

City of Oakland
Oakland, California

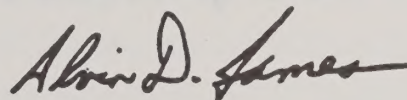
FINAL ENVIRONMENTAL IMPACT REPORT FOR:

Oakcrest Planned Unit Development

(Project Title)
California Environmental Quality Act

CERTIFICATION OF COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Director of City Planning finds that the attached Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, the Guidelines prescribed by the Secretary for Resources, and the provisions of the City of Oakland's Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act.



ALVIN D. JAMES
Director of City Planning

DATE: September 1, 1992

ACCEPTANCE OF FINAL REPORT BY CITY PLANNING COMMISSION

The attached Final Environmental Impact Report was accepted by the Oakland City Planning Commission at its meeting of _____.

THOMAS H. DOCTOR, Secretary
City Planning Commission



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EIP Associates

September 1992

eip

1. INTRODUCTION

This Responses to Comments document, together with the Draft Environmental Impact Report (DEIR) for the Oakcrest Planned Unit Development (PUD) project, constitutes the Final Environmental Impact Report (FEIR) on the Oakcrest PUD project, proposed by Oakcrest Development, Inc.

The Draft EIR was distributed for review and comment to the public and interested public agencies from May 1, 1992, through June 29, 1992. A public hearing was held before the Oakland City Planning Commission on June 10, 1992, to receive comments on the Draft EIR. All verbal comments received at the public hearing were summarized, and are provided as a sub-section of this document. Written comments on the Draft EIR were also received by the Oakland City Planning Department during the public review period.

At the close of the June 10th public hearing, the City Planning Commission approved a motion to continue the hearing on the Draft EIR and the corresponding PUD application to their July 8, 1992 meeting. This continuance was specifically to allow inclusion in the environmental review process, an independently-prepared geotechnical investigation of the proposed project site. However, the geotechnical report was not received in time for the July 8th meeting. Therefore, the continued public hearing was rescheduled for the July 22nd meeting date. The City Planning Commission did not, by approving this motion, continue the public written comment period. At the July 22nd hearing, the City Planning Commission extended the public written comment period to July 29, 1992 and closed the public hearing on the Draft EIR.

Copies of all written and summarized verbal comments received on the Draft EIR are contained in this document. In order to prepare responses to these comments, individual comments are bracketed and assigned numbers in the margin of each page. Thus, Comment 2-4 refers to the fourth comment from the second comment letter. The Oakland City Planning Department has prepared responses to each comment, and these responses, corresponding to the numbered comments, directly follow each letter. In some cases, where many commentators raise the same concern, the reader is referred to a Master Response which comprehensively addresses the issue in one place.

2. LIST OF COMMENTS RECEIVED ON THE DRAFT EIR

The following list is of commentors on the Draft EIR is organized in the following order: letters of comment from State agencies; regional and local agencies; private organizations; individuals (in alphabetical order); and verbal comments (summarized) received at public hearings.

1. Christine Kinne, Acting Deputy Director, Permit Assistance, Governor's Office of Planning and Research (written comments, June 26, 1992)
2. Gary F. Adams, District CEQA Coordinator, State of California Department of Transportation (CalTrans District 4) (written comments, June 10, 1992)
3. Ronald J. Kilconye, Manager Research and Planning, Alameda-Contra Costa Transit District (AC Transit) (written comments, June 26, 1992)
4. John B. Lampe, Manager of Water Planning, East Bay Municipal Utility District (written comments, July 9, 1992)
5. Janet Santos Cobb, President, California Oak Foundation (written comments, June 5, 1992)
6. Herb Sandal, President, Redwood Heights Improvement Association, Inc. (written comments, June 5, 1992)
7. Neighborhood Petition (written comments, June 10, 1992). Signatures of the following individuals were included on the petition; dashes indicate names that were not legible.

Christopher Corlett	Wanda Herman	Michael King	Angela Norman
Hazel Lee	Young Maccarone	David Chin	Richard Valerian
David N. Peacock	Patricia Valerian	Laurie Bennett	Marc McDonald
Angie Brown	Carol Noland	Laura Orenby	----- Armendariz
Raul Serrano	Fred Hill	Sandra M. Miraglia	Vicky L. Carter
Catherine Cordini	Evonne M. Yeantis	Dankers Lauderdale	Silvia Sykes
Charles Zuspan	Sharon Astough	Robert Chope	Shirley A. Tyler
Diane Judd	Lois Blumasch	Michael R. Mygrant	Thomas Kwong
Susie Kowng	Virginia Silder	Marie -----	Rosemary Smith
Connie King	Debra Corlett		

8. Helen Butzing (sic) (written comments, June 23, 1992)
9. Barbara and Carl Cerrudo (written comments, June 15, 1992)
10. Jeffrey I. Fettner, Attorney, Robbins Dangott & Scharlach (written comments, June 15, 1992 and July 7, 1992)
11. Lois and Lewis Goldsmith (written comments, June 21, 1992)
12. Diane Judd (written comments, June 10, 1992 and June 22, 1992)

13. Fred Lange (written comments, June 29, 1992)
14. Marc McDonald (written comments, June 19, 1992)
15. Ruben Peterson (written comments, no date)
16. Susan E. Williams (written comments, June 5 1992 and July 22, 1992)
17. Jerry Wolf (written comments, June 5, 1992)
18. Linda Wolf (written comments, June 3, 1992)
19. Michael E. Whatley (written comments, July 11, 1992)
20. Rena Rickles (written comments, July 28, 1992)
21. Jill Warner (written comments, July 8, 1992)

June 10, 1992 Public Hearing (PH) before Oakland City Planning Commission

Comments PH #1-#26

July 22, 1992 Public Hearing before Oakland City Planning Commission

Comments PH #27-#32

Informational Attachments

Hallenbeck & Associates, *Preliminary Review of EIR Report for the Oakcrest Planned Unit Development, Oakland*, June 29, 1992.

Alan Kropp & Associates, letter addressed to Mr. Frank Albanese, July 29, 1992.

LETTER 1

STATE OF CALIFORNIA

PETE WILSON, Governor

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814



Jun 26, 1992

CHARLES S. BRYANT
OAKLAND CITY PLANNING DEPT
ONE CITY HALL PLAZA
OAKLAND, CA 94612

ER 88-37

Subject: OAKCREST RESIDENTIAL PLANNED UNIT DEVELOPMENT
SCH # 88121303

Dear CHARLES S. BRYANT:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Daralynn Cox at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in cursive script that reads "Christine Kinne".

Christine Kinne
Acting Deputy Director, Permit Assistance

1-1

LETTER 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION

BOX 7310
SAN FRANCISCO, CA 94120
(415) 923-4444

June 10, 1992



ALA-13-5.39
SCH#88121303
ALA013020

Mr. Nixon Lam
Assistant Environmental Planner
City of Oakland
1330 Broadway, Suite 310
Oakland, CA 94612

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAKCREST
PLANNED UNIT DEVELOPMENT (32 RESIDENTIAL UNITS PROPOSED)**

Dear Mr. Lam:

We have reviewed the Oakcrest Planned Unit Development Draft Environmental Impact Report and forward the following comments:

The traffic analysis for this development fails to examine the project specific or cumulative traffic impacts associated with the Carson Street and Redwood Road Interchanges on State Route 13.

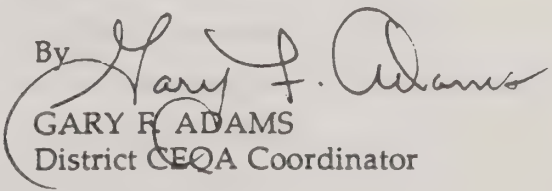
In addition, Table 4.5-3 "Cumulative Project Trip Generation" page 4.5-8, fails to mention the proposed Redwood Creek Village Subdivision Draft EIR, 1992 (44 Single Family Dwellings). The Redwood Creek Village Subdivision would add a total of 45 P.M. Peak Hour Trips; 29 Enter and 16 Exit for a total of 352 trips instead of 307 as mentioned in the DEIR. We believe that the 45 P.M. Peak Hour Trips should be mentioned in the current document to better ascertain cumulative peak hour impacts on the Carson Street and Redwood Road Interchanges as well as Redwood Road and Skyline Boulevard.

Should you have any questions regarding these comments, please feel free to contact Julian W. Carroll of my staff at (415) 904-9625.

Sincerely,

PRESTON W. KELLEY
District Director

By


GARY R. ADAMS
District CEQA Coordinator

cc: Sally Germain, ABAG
Susan Pultz, MTC
Michael Chiriatti, State Clearinghouse

EL 88-37

2-1

2-2

COMMENT LETTER 2

Gary F. Adams, District CEQA Coordinator
State of California Department of Transportation

Response 2-1 As noted on the EIR page 4.5-2, paragraph three, the Traffic Engineering Division of the Oakland Department of Public Works was consulted regarding the scope of the traffic study for this project. Both in 1988, when the original traffic study was prepared, and in 1991-92, when the traffic study was updated, the Traffic Engineering Division indicated that due to the proposed project's anticipated number of daily vehicle trips, only the Redwood Road/Crestmont Drive intersection required a detailed analysis. Project-generated vehicle trips would increase overall traffic at the study intersection by less than two percent under existing and cumulative (year 2000) conditions, which would not result in a change in Level of Service (LOS) and would not be significant when taking into account the backdrop of existing and projected traffic volumes. Therefore, project-specific and/or cumulative traffic impacts associated with State Highway Route 13 interchanges with Redwood Road and Carson Street are not addressed in the EIR. This topic is also addressed on page three, paragraph one, of the Initial Study (included as Appendix A of the EIR).

Response 2-2 The comment is correct that vehicle trips generated by the Redwood Creek Village Subdivision project are not included in EIR Table 4.5-3, Cumulative Project Trip Generation. However, exclusion of this project from the list of nearby projects contributing to cumulative growth in traffic volumes does not affect the results of the analysis. As noted on page 4.5-6, second complete paragraph, the list of nearby projects is intended to provide the reader with a general understanding of growth occurring in the project vicinity. The cumulative analysis of traffic and circulation is based on a growth rate in traffic volumes of one percent per year. Oakland Public Works Department, Traffic Engineering Division staff indicated that a growth rate of one-half to one percent per year would accurately depict growth in the area; the more conservative figure was used in the analysis (see EIR endnote 7, page 4.5-19).

LETTER 3

AC Transit

Alameda-Contra Costa Transit District

1600 Franklin Street, Oakland, California 94612 ☐ (510) 891-4777

JUN 29 1992

File ERBB-37

June 26, 1992

Oakland City Planning Commission
6th Floor, City Hall
One City Hall Plaza
Oakland, CA 94612

SUBJECT: AC TRANSIT DISTRICT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
ON THE OAKCREST PLANNED UNIT DEVELOPMENT.

Thank-you for the opportunity to participate in the land use planning process in this portion of our service area. Currently, the project area is not served by direct AC Transit bus service. As this area is developed, we will most likely need to extend service to the development(s). In general, the District supports projects that contain residential densities greater than 6 to 8 dwelling units per an acre. However, the District has the following concerns that will need to be considered as the Final Environmental Impact Report is developed:

3-1

Immediate Concerns.

The Traffic and Circulation analysis failed to note that the District has ten supplemental buses running on Redwood Road. These buses are "school trippers" which carry about 1500 students per a school day.

3-2

The traffic counts on Redwood Road were taken on the 30th of December. The period from December 15 to January 5 is a survey blackout period. During this period any counts taken are NOT applicable to the "average" day they are supposed to represent.

3-3

The conclusion that residents accessing the upper road of the development may do so SAFELY by driving up Redwood Drive going 1300 extra feet and engaging in a U-turn is not demonstrated by the traffic analysis. The grades on Redwood Road, the School Trippers, the U-turns, the uncertain level of traffic, and the proximity to a high school is a convergence of items which warrants further study.

3-4

Long Term Concerns.

Cumulative development in the area will generate a considerable number of auto trips. Therefore, funding should be provided by the developer that will increase the level of bus service to the area, and thereby increase the mode-split for transit, which will in turn serve as a traffic mitigation measure.

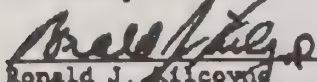
3-5

In addition, the project should include good pedestrian access in the form of sidewalks on all sides of all streets. This will facilitate access to future transit service in the area.

3-6

Please direct any comments or questions to James Douglas of my staff at 891-7131.

Sincerely:



Ronald J. Kilcoyne
Manager Research and Planning

cc: Peter S. Tannen, Senior Transportation Planner
RK/jd

ref:(Jim Dek9;\oakcrest)

COMMENT LETTER 3

Ronald J. Kilconye, Manager Research and Planning
Alameda-Contra Costa Transit District (AC Transit)

Response 3-1 The comment is correct that the Alameda-Contra Costa County Transit District (AC Transit) does not currently provide public transit along Redwood Road or Crestmont Drive, adjacent to the project site. As noted on EIR page 4.5-4, the bus stop nearest to the project site is at the intersection of Redwood Road and Campus Drive, approximately 800 ft. southwest of the site.

Response 3-2 Comment noted. The second complete paragraph on EIR page 4.5-4 is revised as follows (text additions are underlined; text deletions are overstruck):

"Several Alameda County (AC) Transit lines operate along Redwood Road and Skyline Boulevard. The 46 and V-San Francisco (commute hours only) AC bus lines run on Skyline Boulevard and the 54 and 64 bus lines operate on Redwood Road running towards Merritt College.⁶ In addition, AC Transit operates ten supplemental buses along Redwood Road, referred to as "school trippers," which carry about 1,500 students per day and are available to the general public. No regular AC Transit buses operate on Redwood Road, between Campus Drive and Skyline Boulevard. Hence, the nearest bus stop to the project site is at Redwood Road and Campus Drive."

Response 3-3 The traffic counts on Redwood Road were not taken during "blackout period" identified in the comment as the period between December 30 and January 5, (a period when traffic volumes are uncharacteristically low due to indoor holiday activities). Rather, the Redwood Road traffic volumes were derived from the Oakland Hills Tennis Club Expansion Final EIR, certified on June 24, 1988 (Case No. ER-87-43). Appendix D of the Oakcrest EIR, Traffic and Circulation, provides vehicle speed survey sheets used to determine average vehicle speeds in the project area, which were then summarized on EIR pages 4.5-11 and 4.5-12; these surveys were conducted on December 30th, which, although a blackout period for traffic volumes, is an acceptable period for a vehicle speed survey.

Response 3-4 The comment pertains to the discussion of site access and circulation, EIR pages 4.5-10 and 4.5-11. The EIR states that to provide direct access to the proposed upper access road, the roadway median would need to be opened, allowing all turning movements at this location. However, due to the average vehicle speeds in this location and the existing street geometry, safe stopping distances could not be provided. For this reason the EIR recommends that the roadway median not be opened, and access to the proposed upper access road be provided by means of a U-turn at the Tennis Club driveway, approximately 1,300 ft. to the southeast.

The comment suggests that although a U-turn at this location is allowed and considered technically safe, there are other factors which could still pose safety hazards. Among these is the close proximity of the project site to Skyline High School, located at 12250 Skyline Boulevard, approximately 1.5 miles from the project site; the steep and curving street geometry; and the tendency for driving above the posted speed limit. Student drivers, newly-licensed drivers, and less experienced drivers (associated with high school populations) would likely use Redwood Road near the project site, increasing the potential for accidents.

Improvement measures which could be approved by the City Planning Commission and implemented by the Department of Public Works include: installation of additional curb advisory signs for vehicles traveling down Redwood Road from Skyline Boulevard; and/or installation of traffic signal at this location (see related discussion under Response to Comment 10-1).

Response 3-5 The EIR did not identify any significant impacts of the proposed project on transit services provided in Oakland, and therefore no corresponding mitigation measure is required. There is presently no organized funding mechanism to increase public transit use, to which residential developers must contribute. The focus of public education concerning the use of public transportation and ridesharing often occurs at downtown businesses, and can be effective in shifting some daily trips from autos to transit.

Response 3-6 The proposed on-site access roads would be required to be built to City standards, including the provision of sidewalks, curbs, gutters and access to handicapped individuals. Adjacent to the site along Redwood Road and Crestmont Drive, no sidewalks currently exist, presenting a potentially hazardous condition to pedestrians in this area (Impact 4.5-7, page 4.5-18). Mitigation Measure 4.5-7 would require the project sponsor to provide a continuous sidewalk along Redwood Road and Crestmont Drive as condition of project approval.

LETTER 4
EB EAST BAY
MUNICIPAL UTILITY DISTRICT

City of Oakland Planning Dept.
Received 1/13/92
EN-EE-37

ENGINEERING DEPARTMENT
DENNIS L. ALLEN
CHIEF ENGINEER
July 9, 1992

DENNIS M. DIEMER
ASSISTANT CHIEF ENGINEER
JOHN B. LAMPE
MANAGER OF WATER PLANNING

Oakland City Planning Commission
Attention: Nixon Lam, Assistant Planner
One City Hall Plaza
Oakland, CA 94612

Subject: Oakcrest Planned Unit Development

Dear Mr. Lam:

Thank you for this opportunity to comment on the subject Draft Environmental Impact Report. The District has the following comments.

As stated in the DEIR, the 32 dwelling units proposed will be served from the District's Joaquin Miller Pressure Zone. The Oakcrest sponsor will, as stated in the DEIR, be required to cover the cost of any system improvements required to serve the proposed project, as determined by the District. Water main extensions from the Crestmont Drive main and the Redwood Road main will be required. In order to determine how best to provide water service to the site, the Oakcrest sponsor should contact the District's New Business Office to initiate a Water Service Estimate when development plans are finalized. The District will then estimate the cost of providing water service to the project site, the cost and extent of pipeline improvements and water system capacity charges as applicable.

When the project sponsor contacts the New Business Office to initiate a Water Service Estimate, the District's Wastewater Department should be contacted. The Wastewater Department staff will then estimate the cost of connecting to the District's wastewater interception and treatment system, including the costs of Wastewater Capacity Fees.

To help minimize the impact this project will have on the District's water supply, the project should incorporate water conservation measures in its construction and landscaping. The District encourages the use of equipment, devices, and methods for plumbing fixtures and irrigation that provide for long-term efficient water use. The District also promotes the selection of lower water-using plants, inert materials, and reduced turf-covered areas.

4-1

Mr. Nixon Lam
July 9, 1992
Page 2

- 4-2 [The District has a property that is nearly surrounded by the proposed development. This property is the proposed site of the District's Punch Bowl Reservoir. The Oakcrest sponsor should know that a treated water reservoir may be built at this location in the future. The Oakcrest sponsor may wish to take the construction and maintenance activities of such a reservoir into
- 4-3 [account. Also of concern to the District is the anticipated slope failure, erosion, and storm water runoff problems that may develop due to this new construction. The District would like to make sure that proper care is taken by the project sponsor such that the District's property, including the natural habitat currently on site, will remain undisturbed.

If you have any questions or require further information, please contact William W. McGowan, Associate Civil Engineer, Water Service Planning, at (510) 287-1031.

Very truly yours,



John B. Lampe
Manager of Water Planning

JBL:AR:dd
AR92.2

COMMENT LETTER 4

John B. Lampe, Manager of Water Planning
East Bay Municipal Utility District

Response 4-1 The comment is noted. Sections 4.7.5 and 4.7.6 of the EIR, respectively Water Supply and Distribution and Sanitary Sewer Service, address the key points raised in the comment.

Response 4-2 On EIR page 3-1, paragraph two, and in Figures 3-2 and 3-3, the EIR describes and illustrates the location of the East Bay Municipal Utility District (EBMUD) property which is adjacent to, and largely surrounded by, the proposed project site. The EIR does not, however, provide any specific information regarding plans for the future use of this site. Therefore, the following paragraph is added as the first paragraph on EIR page 4.1-5:

"The East Bay Municipal Utility District (EBMUD) property located on Redwood Road and almost entirely surrounded by the proposed project site, is currently undeveloped. This property is the proposed location of the future Punch Bowl Reservoir, a facility which is expected to be constructed within the next five to ten years. The Punch Bowl Reservoir facility will be a 32-foot-tall cylindrical holding tank for treated water. The duration of construction of this facility is expected to be approximately 12 months, during which time construction noise and air quality effects could result. Once completed, the facility, although not likely to pose any threats to public health or safety, would change the visual quality of the area. Prior to development of this facility, an assessment of potentially adverse environmental impacts would be required by EBMUD."

The following paragraph is added as paragraph four on EIR page 4.6-1:

"The East Bay Municipal Utility District (EBMUD) property located on Redwood Road and almost entirely surrounded by the proposed project site, is currently undeveloped. This property is the proposed location of the future Punch Bowl Reservoir, a facility which is expected to be constructed within the next five to ten years. The Punch Bowl Reservoir facility will be a 32-ft. tall cylindrical holding tank for treated water. If and when this facility is constructed, it would affect the visual quality of the area, and could block some off-site views of the project site, as well as some on-site views of the surrounding area. Development of this facility would be subject to separate environmental impact analysis by EBMUD."

Responses to Comment Letter 4

Response 4-3 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

909 12th Street
Suite 125
Sacramento
California 95814-2931
916.448.9495
Fax 916.444.6661

CALIFORNIA OAK FOUNDATION

Our mission is to preserve and plant native oaks.

LETTER 5

BOARD OF DIRECTORS

Janet Cobb
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East Bay Regional Park District

Michael Mahoney
First Vice President
Orange County

Doug McCreary
Vice President
UC Cooperative Extension

Sharon Johnson
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Ginger Strong
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Richard Wilson

June 5, 1992

Oakland Planning Commission
City of Oakland Planning Department
One City Hall Plaza
Oakland, CA 94612

Dear Oakland Planning Commission:

I understand that the Planning Commission will hear public comment on June 10, 1992 regarding the Draft Environmental Impact Report for the Oakcrest Planned Unit Development.

In reviewing the DEIR, I was surprised to read that the developer proposes to destroy most of the Coastal Live Oaks on the property. The report indicates that these are heritage oaks some seventy-five to one hundred years old. This destruction seems to violate Oakland's Tree Ordinance that prohibits removal of Coastal Live Oak trees when the site plan could be redesigned to accommodate the grove.

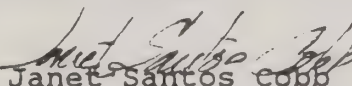
The mission of the California Oak Foundation is to educate decision makers to the value of the oak and to assist architects, builders and homeowners in fitting their plans with these magnificent giants. The Oakcrest DEIR proposes to construct residences and roadways within the root protection zone of these mature trees. This action will eventually weaken or kill even a healthy specimen.

The Grading Plan, Figure 4.2-3 shows extensive cut and fill areas in the Oak Knoll Area. The roots of the oak tree are very susceptible to trenching, grading and filling. Compacted soil placed on top of the natural level makes the soil less permeable restricting or prohibiting the exchange of gasses and the movement of water. Excessive moisture trapped by fill can cause root and crown rot.

Our organization encourages the developer of Oakcrest to capitalize on the wonderful natural resource that is included in the name of the development. Our members include a broad range of experts who can provide advise on best methods for the care of this beautiful oak grove.

We appreciate the opportunity to comment on the DEIR.

Sincerely,


Janet Santos Cobb
President

Enclosed is a copy of our publication Oaks of California

COMMENT LETTER 5

Janet Santos Cobb, President
California Oak Foundation

Response 5-1 As noted on EIR page 3-13, the proposed project would be required to comply with the requirements of the City of Oakland Tree Preservation Ordinance, because it would remove protected trees from the project site. This ordinance has been in effect since 1976; its most recent revision occurred with passage of Ordinance #11365 by the Oakland City Council on July 30, 1991, which added Chapter 7, Article 6 to the Oakland Municipal Code.¹

EIR Figure 4.4-1, page 4.4-7, shows the location and trunk diameter of the 32 coast live oak trees currently found on the proposed project site. Although less than one-half of these trees would require removal-permitting for implementation of the proposed project, the corresponding EIR impact analysis (page 4.4-6) focuses on a worst-case scenario: removal of up to one-half of the coast live oak trees, and possible disruption of trees intended for retention. Under a modified site plan configuration, oaks may not require removal, ; however, tree roots and/or limbs could be disturbed. The topic is discussed in detail under Response to Comment 10-10.

The Tree Preservation Ordinance requires that a Tree Removal Permit be obtained by a tree owner (in this case the project sponsor) for the removal of any protected trees. Under Code Section 7-6.02, a protected tree is defined as *quercus agrifolia* (California or Coast Live Oak) measuring four inches in diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus. Eucalyptus are not protected by Article 6. In addition, section 7-6.02 defines a "protected perimeter" for which a permit is required. A protected perimeter is "an area of land located underneath any protected tree which extends either to the outer limits of the branches of such a tree (the drip

¹ A copy of the Ordinance may be obtained from the City Clerk, 505 14th Street, Suite #609, Oakland, CA. For more information, please contact the Tree Section of the Office of Parks and Recreation at (510) 238-3151.

line) or such greater distance as may be established by the Office of Parks and Recreation in order to prevent damage to such a tree."

The Ordinance does not refer to the age of trees, or designate "heritage" trees (generally defined as trees over 75 years old) for special protection beyond that described above.

The text of Section 7-6.05, Criteria For Tree Removal Permit Review, reads:

- "A. In order to grant a tree removal permit, the City must determine that removal is necessary in order to accomplish one of the following objectives:
1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
 2. To avoid an unconstitutional regulatory taking of property.
 3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the View Preservation Ordinance (Chapter 7, Article 8, OMC).
 4. To pursue accepted, professional practices of forestry or landscape design.
 5. To implement the vegetative management prescriptions in the S-11 Site Development Review Zone.
- "B. A finding of any one of the following situations is grounds for permit denial, regardless of the findings of Section 7-6.05(A):
1. Removal of a healthy tree of a protected species could be avoided by:
 - a. reasonable redesign of the site plan, prior to construction;
 - b. trimming, thinning, "tree surgery" or other reasonable treatment.

2. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal.
3. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
4. The value of the tree is greater than the cost of this preservation to the property owner. The value of the tree shall be measured by the Tree Reviewer using the criteria established by the International Society of Arboriculture, and the cost of preservation shall include any additional design and construction expenses required thereby.

"C. In each instance, whether granting or denying a tree removal permit, findings supporting the determination made pursuant to Section 7-6.05(A) or (B), whichever is applicable, shall be set forth in writing."

The Tree Preservation Ordinance also encourages a "Pre-Application Design Conference" be conducted prior to the submission of a tree removal permit application, attended by the applicant, the Tree Reviewer, City Planning staff, Public Works staff (if necessary), and adjacent property owners. The results of such a conference are advisory and non-binding; however, failure to reasonably incorporate recommendations of city staff and the public may be considered by the Tree Reviewer when making final permit determinations. Therefore, the commenter's statement that proposed project has violated the Tree Preservation Ordinance does not appear accurate at this time.

Response 5-2

As noted in the previous response, a perimeter zone is defined by the Tree Preservation Ordinance, intended to protect damage to root structures of protected trees. Under Code Section 7-6.06, a series of conditions of approval (of a Tree Removal Permit) are outlined which could be imposed on the project by the Tree Reviewer. These conditions address the issues of potential damage during site preparation or construction, damage from loss of nutrients, exposure to hazardous substances associated with construction activities, prevention of dust buildup on leaves, notification procedures in the event of damage, and debris removal requirements. A copy of the Tree Preservation Ordinance is available

Responses to Comment Letter 5

for public review at the Oakland City Planning Department, may be obtained from the City Clerk (510-238-3611).

Response 5-3 The comment is noted. During the environmental review and the Tree Removal Permit processes, there are several opportunities for substantive involvement of the California Oak Foundation and other concerned groups and individuals (see Municipal Code Section 7-6.071, Procedure--Development Related to Tree Removals, specifically subsection G. Notice and Public Input).

REDWOOD HEIGHTS IMPROVEMENT ASSOCIATION, INC.

LETTER 6

OAKLAND, CALIFORNIA

P. O. Box 2748

OAKLAND, CALIFORNIA 94602

OR 98 - Selkirk St.
Oakland, Cal.
94619

June 5, 1992

Mr. Alvin James
Planning Department Manager Phone # 238-3102
City Of Oakland
1330 Broadway
Oakland, Calif.

Subject: Collaborative Design Architects, James Burns II, AIA
Building Project on Redwood Road and Cressmount Drive.

Dear Alvin,

R.H.I.A. Board of Directors have beendiscussing this project for the past two years and the original drawings of approximately 32 homes was made in 1988.

Approximately a little over a year ago our Board of Directors have accepted Mr. Burns proposal of this development as presented by drawings and meetings at our RHIA meeting room.

On June 10, 1992 there will be a meeting regarding this development and we hope that you will agree with our R.H.I.A. Board.

If you have questions please call us on 531-1388.

Yours Truly,



Redwood Heights Board of Directors
Herb Sandal, President

CC: Mr. James Burns, Collaborative Design Architects
Phone # 415-397-2766
944 Market Street
San Francisco, Calif.
94102

6-1

COMMENT LETTER 6

Herb Sandal, President

Redwood Heights Improvement Association, Inc.

Response 6-1 The comment is noted. Because the comment does not remark on the Draft EIR, no further response is necessary.

LETTER 7

PETITION REGARDING OAKCREST PLANNED UNIT DEVELOPMENT (File No. ER 88-37; Ref. No. PUD 88-367)

City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612
Attention: Alvin D. James, Director of City Planning

Exhibits Received at City Planning Commission Meeting	
Date <u>10 June</u>	Case No. <u>ER 88-37 PUD 88-367</u>

We, the undersigned, are opposed to the proposed Oakcrest Planned Unit Development as presented in the Draft Environmental Impact Report of May 1992. We note that the data used in this report is not current and is often three to seven years old. This is particularly true of the traffic and circulation statistics and the impact on Carl B. Munck Elementary School. The proposed lower road at Crestmont and Samaria Lane will increase congestion at an already dangerous intersection, and overflow project parking in the street at the same location will exacerbate existing traffic safety problems. We are opposed to the removal of over half of the coast live oaks at the corner of Redwood Road and Crestmont, and the endangerment of the remaining oaks.

7-1

7-2

7-3

Furthermore, the geotechnical report dated August 19, 1988, outlining the instability of the soils and potential for landslides, stipulates that "this report should not be relied upon after a period of three years without being reviewed by this office." It is now almost four years and a major earthquake later.

7-4

Name	Address	Signature
Christopher Corlett	4300 Bermudez Ave	Christopher Corlett
Michael King	25 Kingwood Road	Michael J. King
Hazel Lee	10 Knull Ridge Way	Hazel Lee
David Ch...	4316 Chamberlaine Ct	David Ch...
David M. Pearson	3515 Brunell Dr.	David M. Pearson
Lannie Bennett	3515 Brunell Dr.	Lannie Bennett
Angie Brown	2477 Burlington	Angie Brown
Laura Orinley	4244 Ridgmont	Laura Orinley

PETITION REGARDING OAKCREST PLANNED UNIT DEVELOPMENT
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Name	Address	Signature
RAUL SERRANO	4021 39 AVE Oakland	Raul Serrano
Sandra M. Miraglia	191 Samaria Ave. Oakland	Sandra M. Miraglia
philip zarr	179 Samaria Ln.	philip zarr
Catherine Cordini	197 SAMARIA LN	Cat - Cat
Dankers Lauderdale	125 Samaria Ln.	Dankers Lauderdale
Charles Zuspan	125 Samaria Lane	Charles Zuspan
Robert Chape	37 Kingwood Rd	Robert C Chape
DIANE JUDD	245 SAMARIA LANE	Diane Judd

PETITION REGARDING OAKCREST PLANNED UNIT DEVELOPMENT
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Name	Address	Signature
Wanda Harmon Wanda Harmon	39 Colyer Dr. Oak	Wanda Harmon
ANGELA NORMAN Angela Norman	63 Kimberlin Hts. Dr. Oak	Angela Norman
Young Maccarone	6043 Ridgemon Dr. Oak	Young Maccarone
Richard Valerian	6015 Ridgemon Dr.	Richard Valerian
Patricia Valerian	6015 Ridgemon Dr.	Patricia Valerian
MARC MCDONALD	599 CRESTMONT DR.	MARC MCDONALD
Carol Noland	173 Samaria Lane	Carol Noland
Y2/MRS. E. ARMENDARIZ	227 SAMARIA LANE	E. Armendariz

PETITION REGARDING OAKCREST PLANNED UNIT DEVELOPMENT (File No. ER 88-37; Ref. No. PUD 88-367)

City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612
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Name	Address	Signature
Frederick Hill	6127 Bullman Vista Oakland Ca	Frederick Hill
Jickie L. Carter	13401 Skyline Oakland	Jickie L. Carter
EVONNE M. TYFANTIS	5200 SADDLE BROOK OAKLAND	EVONNE M. TYFANTIS
Silva J. Siles	13470 Campus Oakland	Silva J. Siles
Sharon A. Stoney	1003 Cheryl Ann Ct #40 Hayward	Sharon A. Stoney
Kathy Jane Way	3400 Robinson Oakland	KATHY JANE WAY Kathy Jane Way
Shirley A. Tyler	4214 Dunsmuir A. Oakland	Shirley A. Tyler
Louis Blumrich	5560 Bacon Rd Oak	L. Blumrich

PETITION REGARDING OAKCREST PLANNED UNIT DEVELOPMENT
(File No. ER 88-37; Ref. No. PUD 88-367)

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Name	Address	Signature
MICHAEL R. MYSGRANT	12740 BROOKPARK RD.	Michael R. Mysgrnt
THOMAS KWONG	581 WESTFIELD WAY	Thomas Kwong
SUSIE KWONG	" "	Susie Kwong
VIRGINIA SILBER	484 36th St. Oak. 94609	Virginia Silber
MAURICE BROWN	11111 11th St.	Maurice Brown
ROSEMARY SMITH	4765 Fairlane	Rosemary Smith
CONNIE KING	25 Honeywood Rd	Connie King
DEBRA COLLETT	4300 Bermudafire	Debra Nicole Collett

COMMENT LETTER 7
Neighborhood Petition

Response 7-1 The comment is correct that some of the data used in the EIR is several years old: the Initial Study for the proposed project (Appendix A in the EIR) is dated October 1, 1988; the original Geotechnical Investigation (Appendix B of the EIR), prepared by Alan Kropp & Associates, is dated August 19, 1988; the original Traffic Study was prepared by Thompson Engineers in January 1989; a project site vegetation survey was conducted by EIP Associates on June 21, 1988; and several telephone conversations conducted for information gathering purposes, cited in endnotes at the end of EIR sections, occurred in 1988. Other data sources used in preparing the EIR have still earlier dates (i.e., 1971), such as those used in Section 4.9, Noise, cited on page 4.9-5.

The commenter's concern that information contained in the EIR may be out-dated relates to the 1988 Geotechnical Investigation, which states:

"The findings of this report are valid as of the present date. However, the passing of time will likely change the conditions of the existing property due to natural processes or the works of man. In addition, due to legislation or the broadening of knowledge, changes in applicable or appropriate standards may occur. Accordingly, the findings of this report may be invalidated, wholly or partly, by changes beyond our control. Therefore, this report should not be relied upon after a period of three years without being reviewed by this office."

There is no single standard for determining when information becomes "dated," nor is there one appropriate method for updating outdated information. Rather, it is necessary to consider the information at hand on a case-by-case basis and determine its timeliness based on criteria relevant to the subject matter. As in the above example, the document itself states the time period during which the information can be relied on without additional review. The EIR sections on soils, geology and drainage, which are based on the 1988 Kropp report, did not explicitly refer to this "three year limit," and therefore caused timeliness of information to be a legitimate concern. The timeliness of the Kropp report, its relationship to

the more recent Hallenbeck & Associates report (sponsored by the Crestmont Homeowners Association), and other concerns related to geotechnical considerations are addressed in Response to Comment 10-13.

The first administrative draft of the Draft EIR was prepared in February 1989. Later in 1989, however, environmental review of the proposed project was temporarily stopped at the request of the project sponsor. In 1991, environmental review of the proposed project was reactivated, and a meeting was held on December 12, 1991, attended by staff of the Oakland Department of City Planning and EIP Associates (the EIR consultant), to discuss current requirements for completing an adequate Draft EIR. Among the topics discussed at the December 12th meeting was the timeliness of data source material used in the EIR.

Each section of the Draft EIR was reviewed to determine if any information had become dated, and information was updated where appropriate. For example, on EIR page 4.5-4, first paragraph, the EIR states that "...traffic volumes, which were originally obtained in 1988,...were adjusted upward by one percent per year to provide a more accurate representation of existing (1992) conditions." Another example of updated information can be found on EIR page 4.5-6, paragraph two, where cumulative development in the project area is discussed. In both cases, original data collected in 1988 was updated by applying a conservative growth factor.

In the case of enrollment levels at public schools in the project area, "current" enrollment levels are identified as those of 1990, based on direction from Oakland Unified School District staff and described in endnote 9 on EIR page 4.7-14. However, as noted in Comment 14-8, information in the Draft EIR on enrollment levels at the Carl B. Munck Elementary School requires revision. This topic is discussed in greater detail in Responses to Comments 12-4 and 14-8, including appropriate Draft EIR text revisions.

Responses to Comment Letter 7

- Response 7-2** The segment of Crestmont Drive between Redwood Road and Westfield Way, and the intersections along this roadway segment (Redwood Road/Crestmont Drive, Crestmont Drive/Kingwood Road, Crestmont Drive/Samaria Lane and Crestmont Drive/Westfield Way) all operate at Level of Service (LOS) A during peak travel periods, and are not considered congested within the context of a transportation analysis. Likewise, the existing on-street parking availability in this area is high, and a projected eight-car deficit resulting from the proposed project would not be considered significant. Potentially unsafe vehicle movements which could occur at the proposed lower access road location are addressed in Responses to Comments 14-7 and 16-2.
- Response 7-3** The comment is noted. Coast live oak trees located on the project site are protected by Municipal Code Chapter 7, Article 6, which provides regulations implementing the Tree Preservation Ordinance. These regulations require a Tree Removal Permit be obtained by a tree owner (in this case the project sponsor) for the removal of any protected trees, and that the perimeter of protected trees not suffer damage due to construction activities. Please refer to Response to Comment 5-1 for an extended discussion of this topic.
- Response 7-4** Please refer to Response to Comment 7-1 for a discussion of the timeliness of information contained in the EIR, and Response to Comment 10-13 for an extended analysis of geotechnical considerations of the site, including soil stability and potential landslide hazards.

LETTER 8

June 23, 1992

City Planning Commission
City Planning Department
1 City Hall Plaza
Oakland, Ca. 94612

attn: Mr. Nixon Lam
Re: Oakcrest Development
Case No. ER88-37

Gentlemen:

Up to one-half of the 32 Live Oaks will be removed for 10 Townhouse units. The Oaks are estimated to be about 100 years old, and should be protected under the City of Oakland's tree ordinance.

Residents and visitors will park on Crestmont Drive across from Kingwood and Samaria, adding to existing traffic safety problems.

The proposed lower road will enter Crestmont, across from Samaria, which will increase congestion at this dangerous intersection.

The upper road will enter Redwood across from Old Redwood Road. All cars will enter or exit the upper road at this point going down hill. This will be an additional hazard to traffic on Redwood Road.

Redwood Road, one mile of curving steep grade from Skyline to Warren, is at present overbuilt with homes, schools, churches, recreation areas, shopping centers and gas stations.

This project, which has some potential adverse effects on the neighborhood, should be carefully considered.

John Butting
575 Crestmont Dr.
Oakland, Ca. 94619

ER88-37

58-0859

COMMENT LETTER 8

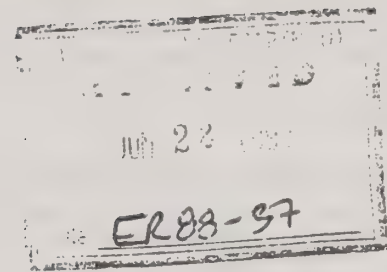
Helen Butzing

- Response 8-1 The coast live oak trees on the project site *are* protected by the Tree Preservation Ordinance. The Tree Preservation Ordinance does, however, provide a tree removal permit process. Removal of the oak trees on the project site would be subject to this permitting process. The Tree Preservation Ordinance does not extend special protection to trees over a certain age, but rather, to the size of a tree measured at breast height. Please refer to Responses to Comments 5-1 and 5-2 for an extended discussion of this topic.
- Response 8-2 Please refer to Responses to Comments 3-4, 10-1, 14-7 and 16-2.
- Response 8-3 The comment is correct that Redwood Road between Skyline Boulevard and the Warren Freeway is fairly steep and curving. The comment is also correct that along this corridor there has been a number of developments in the last several years. However, the opinion expressed in the comment that the area is "at present, *overbuilt* with homes, schools, churches, recreation areas, a shopping center and a gas station" is a generalized assertion and is not related to any specific project-related impacts, and therefore is beyond the scope of the EIR (*italics added*). Chapter 5 of the EIR, Growth Inducement, does address a related topic (see EIR page 5-1).

LETTER 9

June 15, 1992

City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612
Attention: Nixon Lam, Asst. Planner



Dear Nixon Lam,

I am writing to express my concern and hope that the Oakcrest Development (ER 8837) be denied approval to proceed. My views represent 15 years of residence in the area immediately above the proposed development. Specifically, the issues include the following:

o ACCESS TO AREA: as more developments are approved (ex: Leona Villas, Montebello, Oakland Tennis Club expansion), the road access is not upgraded or expanded. As a result, more traffic is congested on the same roadways. Traffic patterns are heavier, roads are in worse condition and traffic congestion spans more hours of the day and night. The Oakland Hills fire indicated what can happen when too many people are trapped onto limited access roads. (During the evacuation, large horse trailers had to contend for the same egress as fleeing residents).

As more traffic is forced into the immediate area, we are also finding that more vehicles drive through neighborhood streets at speeds in excess of posted speed limits. No one has taken the time to study this type of correlary effect, and whether changes should be made. The cost of studies and the possible institution of more control lights or traffic signs is not adequately addressed in the environmental impact study.

o ENVIRONMENTAL IMPACT: by cutting into the supporting hill structure, existing homes and public safety are at risk. This has been highlighted in reports already filed against this development. From personal experience working across the street from the San Francisco apartment house which slid onto the 201 Filbert office building, I have seen what happens when construction destroys a hillside slope. In San Francisco, frequent street work has created what is called a "honeycomb" fabric to the hillside, now jeopardizing another office building below. Existing residents in Crestmont are already being advised to get landslide insurance due to the Oakcrest project.

o QUALITY OF LIFE: Residents of the Crestmont area purchased not only a home, but a quality of lifestyle. Packing more residences inot the area not only impacts our lifestyle, but virtually destroys the natural balance of wildlife. No consideration has been given to relocate or otherwise protect the rich variety of animals, including deer, opossum, and wild birds of prey. I am enclosing a photo of the wildlife that inhabit the proposed area.

9-5 [The pace of development also threatens the horse stables and other recreational elements that give this area its unique personality. It is not only the Joaquin Miller park, but the area, including the hills of Crestmont that provide one of the few diversions within the Oakland city limits.

9-6 [Rather than facilitate the process for developers to quickly build, make a quick profit and contribute to the destruction of the Crestmont area, I would suggest that the City Planning Commission focus on helping accelerate the former homeowners in the fire zone. The true environmental impacts are known there; and the restoration of that area would not only help restore the sense of community, it will bring back significant city tax funds which can help Oakland overall.

Sincerely,

Barbara and Carl Cerrudo
297 Rishell Drive
Oakland, CA 94619

cc: Mayor Elihu Harris
Homeowners Association

COMMENT LETTER 9

Barbara and Carl Cerrudo

Response 9-1 The Traffic and Circulation section of the EIR does take into account other developments in the project area, and the combined or cumulative effects on traffic conditions. It was determined during preparation of the Initial Study for the proposed project that only the intersection of Redwood Road/Crestmont Drive should be evaluated for project and cumulative impacts. Under existing plus project and cumulative year 2000 conditions, this intersection would continue operating at Level of Service (LOS) A, considered the best operating condition.

The October 1991 Oakland Hills fire provided the worst example of potential fire hazards in hillside residential areas, and the urgent need for adequate fuel management practices, provisions for emergency vehicle access and properly designed streets. The project area shares some of the same characteristics as the area where the 1991 fire occurred, including dry hillsides, steep inclines and some narrow streets. Residents in the project area are particularly sensitive to this potential hazard due to a small brushfire which occurred on July 29, 1992 on the southwest and northeast sides of the Redwood Road/Old Redwood Road intersection. The Oakland City Fire Department responded within minutes and extinguished the blaze.

Fire protection is addressed in the Public Service and Utilities section of the EIR, pages 4.7-1 to 4.7-5.

Response 9-2 The Oakcrest Planned Unit Development EIR addresses project-specific and cumulative effects on traffic and circulation in the project area. There is no recognized correlation between growth in traffic volumes and increased incidents of speeding, although this may be the personal experience of the commenter. Traffic control within the City of Oakland is under the authority of the Traffic Engineering Division of the Department of Public Works; if speeding is a persistent problem in an area, residents can request changes in speed controls, posting of additional curb advisory signs, and even signalization of an intersection.

Response 9-3 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

Response 9-4 The proposed project site is designated for "low-density residential" in the Land Use Element of the Oakland Comprehensive Plan, with an allowable lot size of 5,000 to 9,999 sq. ft. of land per unit. The site is zoned R-30 (One Family Residential) in the Oakland Zoning Regulations, which state that "the R-30 Zone is intended to create, preserve, and enhance areas for single-family dwelling areas of the City." Because the project proposes to develop multiple-family dwellings in an R-30 zoning district, approval of a Planned Unit Development (PUD), pursuant to Sections 7800-7849 and 9400-9424 of the Zoning Regulations, is required. However, a separate review of the PUD application which is occurring concurrently with environmental review, including a public hearing before the City Planning Commission, is an appropriate forum for concerns relating to "quality of life."

Consideration of sensitive plant and animal species on the project site has been given in EIR Chapter 4.4, Vegetation and Wildlife. For the purposes of the EIR, potential impacts are based on the sensitivity of a plant or animal species as defined on EIR pages 4.4-4 to 4.4-5. The specific impact referred to in the comment is addressed in Impact 4.4-4, page 4.4-9. Because animals such as those listed in the comment (deer, opossum, birds of prey) do not come under the aegis of the U.S. Fish and Wildlife Service, the California Department of Fish and Game, or the California Environmental Quality Act, project impacts are considered less than significant.

Response 9-5 The pace of development in the project area is largely a function of public policy decisions made in the City of Oakland. The potential project impact on recreational facilities in the City of Oakland is addressed in EIR subsection 4.7.4, Impact 4.7.4-1, EIR page 4.7-9.

Responses to Comment Letter 9

Response 9-6

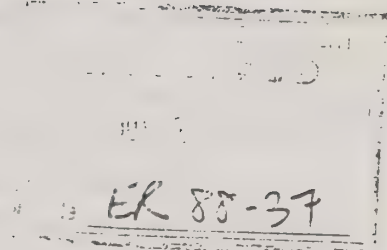
The comment is noted. The issue raised in the comment does not pertain to information contained in the Draft EIR. The commenter could, however, present this topic to the City Planning Commission during their consideration of the PUD application for the proposed project.

LETTER 10

Jeffrey I. Fettner
63 Rishell Dr.
Oakland, CA 94619

June 15, 1992

Nixon Lam, Assistant Planner
City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612



RE: Oakcrest Planned Unit Development Case No. ER 88-37

Dear Mr. Lam:

I am writing in you to voice my opposition to the PUD at Crestmont and Redwood Rd. I was unable to attend the hearing due to the unexpected need to take a friends child to the doctor, so I hope that if you have any questions you will feel free to contact me. I thank you in advance for the careful consideration I know you are giving to this issue.

10-1

Below find my statement of reasons for my opposition:

1) SAFETY

Currently there is a park across the street from the planned site for the PUD. Also there is an elementary and a Junior High School just around the corner from the site. This combined with the speed in which people travel down the steep grade of Redwood Rd. make the site unsuitable for the level of density of housing planned. The area is already crowded and increasing the housing availability by 64 units or up to Approx. 200 people (3 per unit) will add sufficient congestion and increase the danger to the children of the area and as well to the adults. Both those inside of cars and outside.

2) OVERCROWDING

The Oakland Hills are synonymous with nice living conditions, and outside of Piedmont about the only luxury area left in Oakland.

10-2

10-2

The continual building in the Hills decreases the desirability to live in the Hills and therefore the attractiveness of Oakland. Oakland has enough of a problem without limiting the desirability of one of its only desirable areas. No matter what the income to the city may be for the PUD it is outweighed by the "Los Angelization" of the Hills. In LA nice areas are surrounded by PUD's. These make the areas crowded and remove the prestige. Crime seems to go up with High Density housing with some initial fall of property values depending on the ultimate development of the area. In our case the beauty of the Hills is diminished when more PUD's are put in and the Oak trees are removed. The Hills become nothing but housing, not a combination of single family housing and vegetation. This site is the last open area until the regional park system is reached. If building must be done then single family houses that fit the rest of the area should be built. On the west side of Crestmont there are already townhouses. On the east side of Crestmont there is nothing but single family houses. This creates a nice distinction that limits the density of the area and should be maintained.

10-3

With the continual growth of the area, especially behind the Junior College and below the Junior College, off of Redwood Road, the area is becoming overcrowded. New Units will crowd the overcapacity Public Elementary and other schools in the area. Further, traffic congestion will develop as there is only one road in and out, Redwood Road. Moreover, the area services are limited. There is one Safeway to feed the whole area, where parking is already a problem. There is only one gas station in the area. Adding significant population will make the limited services much too unavailable. The small safeway is already having trouble keeping its shelves stocked. Almost every time I shop they are out of the major items I shop for.

10-4

In order to keep a limit on new growth and yet supply new housing, single family dwellings not a PUD of townhouses or condominiums

10-5

should be put in. As the park is almost completely a baseball/soccer field the developer should be required to put in a grass and tree park open to the public.

Final considerations include the availability of emergency vehicles in such a hilly area, as well as the fire danger of high density housing in the hills.

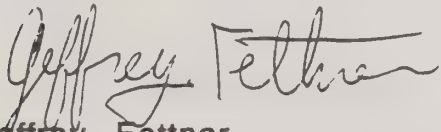
10-6

10-7

Upon considering all the factors involved, the appropriate building for the lot is not to displace, the hills but to build within their natural beauty as is successfully and handsomely done with Single family dwellings.

10-8

Thank you.



Jeffrey Fettner
63 Rishell Drive
Oakland, CA 94612
(510) 530-5628
(510) 451-7128(w)

ROBBINS, DANGOTT & SCHARLACH

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1540 SAN PABLO AVENUE
WESTLAKE BUILDING, 11TH FLOOR
OAKLAND, CALIFORNIA 94612

TELEPHONE 451-7128
FACSIMILE 451-0334

PAUL ROBBINS
MORRIS A. DANGOTT
ALAN M. SCHARLACH

JEFFREY I. FETTNER

July 7, 1992

ER 88-37

Alvin D. James
Director of City Planning
City of Oakland
One City Hall Plaza
Oakland, CA 94612

RE: Oakcrest Planned Unit Development
Case Number ER 88-37

Dear Mr. James:

I. INTRODUCTION AND SUMMARY

10-9

This letter presents the comments of the Crestmont Homeowners Association ("Association") with respect to the Oakcrest Planned Unit Development ("PUD" or "Project"). The Association is concerned about the Project's effects on the slope stability, including impacts to hillside property above the PUD owned by members of the Association. The Association is also concerned about other potential environmental effects of the PUD. This letter addresses potential effects of the PUD within the context of the California Environmental Quality Act ("CEQA") and the guidelines promulgated pursuant to CEQA (14 C.C.R. §§15000 et. seq. ("CEQA Guidelines")).

In summary, the Association believes that the Draft Environmental Impact Report for the Oakcrest Project ("DEIR") fails to adequately comply with the requirements of CEQA and the CEQA Guidelines, and further believes that the PUD as currently proposed should not be approved by the City of Oakland ("City") as a result of inadequate planning, including failure to comply with CEQA. The association believes that the City should pursue a Modified Alternative 3 (reduced units on the lower portion of the site and unattached or free standing single family dwellings only) as partially described in the DEIR, in order to minimize effects of the Project.

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II. THE EIR FAILS TO COMPLY WITH REQUIREMENTS OF CEQA.

A. Cumulative Effects.

CEQA requires the evaluation of cumulative impacts in a draft EIR. (CEQA Guidelines, § 15130(a).) Such effects, defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts," are of particular importance to decision makers in evaluating development projects such as the PUD which may have relatively small impacts alone, but when aggregated with other similar projects may have a very significant effect on the environment. (See CEQA Guidelines, § 15355.)

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The DEIR does not include the analysis of cumulative impacts required by CEQA. Although the discussion of traffic and circulation identifies no less than five nearby projects which could contribute to cumulative increases in traffic volumes (DEIR, P. 4,5-6), these projects, and any other cumulatively significant projects, are excluded from the analysis in the rest of the document.

California courts have regularly rejected attempts by public agencies to treat projects in isolation without evaluation of their cumulative effects. In one case, the court explained that " an agency may not . . . (treat) a project as an isolated 'single shot' venture in the face of persuasive evidence that it is but one of several substantially similar operations To ignore the perspective cumulative harm

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under such circumstances could be to risk ecological disaster." (Witman v. Board of Supervisors (1979) 88 Cal. App. 3d. 397, 408, quoting Natural Resources Defense Council v. Callaway (1975) 524 F. 2d 79, 88.

The DEIR for the PUD must be revised to include a complete analysis of cumulative impacts, including options for mitigating or avoiding such cumulative effects (CEQA Guidelines, § 15130.), and must be recirculated to the public for review of the additional analysis.

An adequate cumulative impacts discussion for the Project must include a list of past, present, and reasonably anticipated future projects which have produced or are likely to produce related or cumulative impacts. (CEQA Guidelines § 15130.) This analysis should cover all of the areas of critical environmental concern with respect to the Project. For example, the Association believes that there are potentially significant cumulative effects with respect to geology and slope stability, biological impacts and visual impacts, as well as traffic and circulation.

B. Alternatives

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CEQA prohibits local governments from approving a project which will have a significant effect on the environment, unless the agency has determined that mitigation measures or alternatives which would mitigate the impact are infeasible. (CEQA Guidelines, §§ 15091, 15092.)

Although the DEIR indicates that at least one alternative, Alternative three, would have a lower level of environmental impact than the PUD as proposed, the discussion of alternatives in the DEIR fails to adequately discuss the feasibility of the alternatives. The DEIR also fails to include an alternative of single family dwellings that are free standing and minimize cutting into the hill.

The DEIR states that "the feasibility of (Alternative 3 or a Modified AAlternative 3) must be evaluated in light of CEQA Section 21058 . . .

(DEIR, p. 7 - 5.) However, the DEIR entirely fails to evaluate the feasibility of Alternative 3, with respect to section 21085 or on any other basis. Section 21085 of CEQA prohibits the reduction of the number of housing units in a project if there is "another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." (Pub. Resources Code, § 21085.) (emphasis added.) The DEIR fails to discuss other feasible specific mitigations or project alternatives that would result in a reduction of environmental effect comparable to that of Alternative 3.

Therefore, based on the analysis in the DEIR, the City may not adopt the proposed PUD, as a Modified Alternative 3 or Alternative 3 provides an environmentally preferable, and apparently feasible, alternative. (see, Public Res. Code § 21002.)

The City must reject the proposed PUD, and should instead evaluate a reduced density alternative such as that described in Alternative 3 of the DEIR, or suggested by the Association.

C. Soils and Geology.

The DEIR indicates that the Project site is underlain with serpentine formations. The northwestern, northern and northeastern slopes of the site are formed in serpentine, serpentine schist, blocky serpentine and sheared serpentine (DEIR, p. 4.2-3.) The serpentine rock formations, and other soils present at the Project site create a substantial risk of slope instability which may affect not only safety of residents on the Project site, but also the property of upslope homeowners. The adoption of a reduced density alternative minimizing site grading would reduce the risks of slope instability. Any grading at the Project site, however, must be more carefully evaluated and mitigated as described below.

Although the DEIR identifies the reactivation of existing slope instabilities by undercutting the support of upslope materials as a potential impact of the Project (DEIR, p. 4, 2-9) the mitigation measures proposed fail to adequately address the impact. The EIR

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asserts that "it has been determined by the project sponsor's engineer that the proposed site development would not have a adverse effect on the overall stability of the hillside if the geotechnical recommendations are followed." (DEIR, p.4, 2-12) Similarly, the environmental consultant on the project "concurs with the geotechnical engineer that the probability of future landsliding at the developed site would be substantially reduced by the use of properly constructed drained, and maintained foundations and retaining walls." (DEIR, p.4, 2-12.)

Perhaps engineering techniques may partially reduce the slope stability and landslide potential resulting from development of the Project. However, even the environmental consultant does not seem to have much confidence in these techniques, as the primary mitigation measure for slope instability and landsliding is the recommendation that occupants of the site obtain landslide insurance. (Mitigation Measure 4.2-2.)

In fact, the geotechnical report and DEIR simply do not contain sufficient detailed analysis to evaluate geotechnical risks. Geotechnical consultants retained by the Association have concluded that "because of the very complex geologic structure, we believe only a limited evaluation is feasible at the planning and investigation stage and that a follow-up evaluation of this condition should be made..." (Hallenbeck & Associates, Memorandum to Crestmont Homeowners Association, June 29, 1992 (Attached).) The Association believes that a more detailed geotechnical evaluation must be conducted in order to properly evaluate landslide and slope stability risks associated with the Project. The DEIR must be revised to reflect an adequate geotechnical evaluation, and must be recirculated for additional public review of the new information.

Further, the DEIR should be revised to include detailed mitigation measures describing initial engineering techniques to assure slope stability, a detailed slope stability monitoring program (consistent with that recommended by Hallenbeck & Associates), and a series of "contingency" or "backup" mitigation measures to be installed in the event that monitoring reveals slope instability. In

order to insure the implementation of monitoring and "backup" mitigation measures, the developer should be required to post a bond with the City sufficient to cover such future mitigation activities.

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D. Transportation and Air Quality

The traffic and circulation section of the DEIR fails to discuss consistency with the Alameda County Congestion Management Program, or in any way discuss effects of Project-related traffic on the regional circulation system. Further, the DEIR fails to evaluate the air quality impacts of traffic related to the Project. Although the absolute number of additional trips created by the Project is projected to be relatively low, even this number of trips may have the potential for causing carbon monoxide hotspots or other air quality impacts. Moreover, the effects on air quality of this Project and other related projects may be quite significant. (See discussion of cumulative impact analysis above.)

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E. Mitigation Measures.

It is impossible to determine how, or whether, many of the mitigation measures would be implemented. For example the DEIR states that "adequate site lines for vehicles exiting the lower access road would be created if vegetation were pruned..." (Mitigation Measure 4.5-4 at p. 4, 5-13.) However, the mitigation measure does not require such pruning, does not provide for any procedure for pruning to be maintained over time; does not establish alternative mitigation in the event that pruning is not maintained; and simply suggests that the general contractor "should" measure the site distance to insure that an unobstructed site distance is achieved.

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This mitigation measure, as well as many other mitigation measures described in the DEIR is unclear, and apparently unenforceable. As part of the revision and recirculation of the DEIR, mitigation measures should be revised to specify precise mitigation activities and responsibilities, as well as precise funding sources for mitigation to be carried out during the lifetime of the Project (including landscape maintenance and geotechnical monitoring).

F. Additional CEQA Requirements.

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The DEIR fails to identify an environmentally superior alternative, as required by CEQA Guidelines section 15128(d)(2).

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The EIR summary fails to identify areas of controversy known to the lead agency, including issues raised by agencies and the public and issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects. (CEQA Guidelines, § 15123(b)(2-3).)

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The project description must include a list of the approvals for which the EIR will be used. (CEQA Guidelines, § 15123(d).) The DEIR does list a variety of regulations and City requirements with which the project must comply, but fails to provide the required list of all permits or approvals for which the EIR may be used.

III. Conclusion

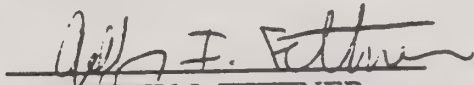
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In conclusion, the Association requests that the City revise the DEIR to respond to the issues raised above, and recirculate the revised draft for further public review. In the event that the City determines to proceed with the Project, the Association strongly urges that more comprehensive and detailed mitigation measures, particularly with respect to slope stability and landslide effects, be included as conditions of Project approval. Finally, the Association urges a more detailed evaluation of a Modified Alternative 3 as a feasible and environmentally preferable alternative to the proposed Project.

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Very truly yours,

ROBBINS, DANGOTT & SCHARLACH

BY: 
JEFFREY I. FETTNER

cc: Crestmont Homeowners Asociation

JIF: lg

ROBBINS, DANGOTT & SCHARLACH

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EP-88-37

July 7, 1992

Alvin D. James
Director of City Planning
City of Oakland
One City Hall Plaza
Oakland, CA 94612

RE: Oakcrest Planned Unit Development
Case Number ER 88-37

Dear Mr. James:

10-21

I have been retained to represent the Crestmont Homeowners Association in regards to the Oakcrest Planned Unit Development. The Homeowners Association opposes the building of the Oakcrest Planned Unit Development. The opposition is based on the inadequacy of the EIR, discussed in a separate letter dated July 7, 1992, and the five major concerns discussed below. Once these are adequately addressed in a revised EIR, the Homeowners Association will be able to reevaluate the proposal. If, nonetheless, any project is to be built, it needs to be unattached single family dwellings due to the hill stability, density, and aesthetics.

1) Slope Stability

10-22

The stability of the slope is questioned by the geotechnical experts involved in the proposed project. They conclude that the Serpentine rock found in this hill is unstable. Further, the EIR points out that cutting into the hill may remove support for the bedrock. (EIR p. 7, Darwin Myers report) The existence of poor fill, located in the Slope Wash area, and the Serpentine Rock yields a substantial slide risk. (EIR p.6, Darwin Myers report) Although each expert believes building is possible, the risks must first be known.

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Additional research needs to be provided in a revised EIR and the Homeowners Association requests the research include the following:

a) Immediate installation of an inclinometer and monitoring for at least four years.

b) Additional and more extensive stability testing of the site and surrounding area.

c) Retention by the City, at the Builder's expense, of an independent firm to consult and oversee the geological and engineering aspects of the proposed project. The Association suggest Woodward -Clyde Consultants.

d) Concrete plans regarding the cutting into the hill are needed before a complete analysis of the potential risks can be made and must be provided prior to Planning Commission approval.

The hill has experienced several landslides in the past-- most notably when the Oakland Hills Tennis Club built their tennis courts. In addition, sliding is occurring at the corner of Crestmont and Kimberlin Heights Road. Geologist Adel Kasim, of Hollenbeck and Associates, will be present at the July 22, 1992 Planning Commission Hearing to discuss his findings regarding this issue.

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2) Drainage/Wash Concerns

Present established drainage systems, from the dwellings located at 297-301 Rishell Drive, will create future problems for the downslope residences. Erosion will occur unless the upslope properties drainage system is changed. This concern may be magnified when the draught ends.

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3) Seismic Questions

Although the issue is raised in the EIR, to date, no substantial engineering analysis has been performed. Certainly, the activity of the various faults throughout the state, and recent activity in the Bay Area, mandates that one be done.

10-25 [4) **Congestion and Habitat**

The loss of the few remaining open spaces will mean the further retreat of the natural wildlife, including the deer which frequent the hills. As the area becomes overcrowded the attractiveness of Oakland is reduced and the community as a whole suffers. These long term considerations, although hard to measure, must be given due consideration.

10-26 [5) **Legal Concerns**

All the issues addressed above are grounds for potential legal disputes between the upslope residences, the downslope residences and the builder. Each would be the direct result of the building in an unstable area, with full knowledge of the very real risks. To mitigate these potential lawsuits, the City should require the following:

a) Landslide insurance be provided to all landowners within the danger zone, as determined by the independent Geotechnical and Insurance Consultants.

b) The builder must post a bond insuring appropriate funds are available to repair the hill and to make reparations outside of insurance.

c) When problems arise the upslope landowners should be insulated from liability and legal action. The Crestmont Homeowners Association should likewise be protected. A release is suggested.

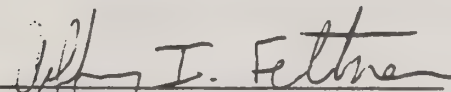
10-27 [**Conclusion**

Due to the aforementioned obvious and real dangers the City should require the EIR to be revised to address and mandate definite mitigation, besides just suggesting the landowners/builders take out landslide insurance. If the City is inclined to approve a project, the Homeowners Association recommends a smaller number of freestanding single family dwellings. This is consistent with mitigation and in keeping with the existing neighborhood.

Page 4

Very truly yours,

ROBBINS, DANGOTT & SCHARLACH

By: 
JEFFREY I. FETTNER

cc: Crestmont Homeowners Association

JIF: l1

COMMENT LETTER 10

Jeffrey I. Fettner, Attorney
Robbins Dangott & Scharlach

Response 10-1 The comment includes several related issues of concern in the project area, including density of residential development, vehicle speeds along Redwood Road, pedestrian safety along Redwood Road, and children safety associated with access to and use of the Pinto Playground and the Carl B. Munck Elementary School.

The proposed project would include 32 residential units with an approximate population of 100 (not 64 unit and 200 residents as stated in the comment). Because the proposed development would include multiple-family dwellings in an R-30 zoning district, approval of a Planned Unit Development (PUD), pursuant to Oakland Zoning Regulations Sections 7800-7849 and 9400-9424, would be required. This topic is discussed in more detail under Response to Comment 9-4.

The segment of Redwood Road between Skyline Boulevard and Crestmont Drive has two travel lanes in each direction, separated by a raised median, and left turn pull out lanes at the Tennis Club driveway entrance. As vehicles travel down Redwood Road from Skyline Boulevard, there are a number of traffic control devices present, including:

- 2) "12% Grade" signs
- 1) "Trucks Use Low Gears" sign
- 2) "35 MPH Limit" signs
- 1) "School, Speed Limit 25 MPH When Children Are Present" sign
- 1) "No Parking Any Time" sign
- 2) "Signal Ahead" signs
- 1) Flashing yellow warning light

At the intersection of Redwood Road and Crestmont Drive, pedestrian crosswalks and control signals are provided, with sidewalks on both sides of Redwood Road below Crestmont Drive. Despite all the traffic control devices present along this street segment, average vehicle speeds are 40 mph (see EIR Appendix D, Vehicle Speed Survey). Additionally, it has been stated in Comment Letter 2 that due to

the proximity of Skyline High School to this location and the associated student drivers, there is a concern for traffic safety.

Although the Pinto Recreation Area does not have a designated entry point, most playground users enter from Redwood Road just south of Crestmont Drive. This access point is relatively safe for pedestrian movement due to the existing sidewalks and traffic control devices. If the proposed project were developed, however, an unsafe condition would be created for pedestrians due to the lack of sidewalks adjacent to the proposed project site; this is identified as Impact 4.5-7 in the EIR, page 4.5-18, mitigated by Mitigation Measure 4.5-7 (the provision of sidewalks in these locations).

Because drivers in this location generally drive at or above the posted speed limit despite all the warning devices described above, the following language is added to the EIR following Mitigation Measure 4.5-7 on EIR page 4.5-18:

"The following improvement measure, although not intended to mitigate a specific significant impact, would improve conditions in the project area:

Speed bumps, speed attenuation and/or speed undulation devices should be installed on Redwood Road between Skyline Boulevard and Crestmont Drive."

Response 10-2 One of the goals of the Oakland Policy Plan is "to conserve with care the open space and natural resources which will be needed by present and future generations." Although the proposed project site itself, and the adjacent properties to the north and east, are zoned for residential uses, they are currently in an undeveloped state. This expanse of open hillside, while unimproved and potentially unsafe for recreational uses, is nevertheless viewed as an open space resource by local residents. Development of the proposed project would convert a portion of this hillside from open space to residential use, and the potentially growth-inducing effects of this action are addressed in EIR Chapter 5. The visual quality of the project area and the proposed project's visual quality impacts are

addressed in Chapter 4.6. The final determination of architectural style and design, including types of exterior finishings and roofing materials, are under the purview of the City Planning Commission during their design review of the proposed project.

As noted in various places in the EIR, the proposed project would require approval of a Planned Unit Development (PUD) application, pursuant to Oakland Zoning Regulations Sections 7800-7849 and 9400-9424. The purpose of these regulations is to "...encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the Zoning Regulations, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working." Approval of a PUD is required because the project sponsor proposes development of multiple-family dwellings in an R-30 zoning district, which without a PUD, would limit new development to lower-density single-family units. A public hearing on the Oakcrest PUD application occurred on June 10, 1992, concurrently with the public hearing on the Oakcrest Draft EIR. This Responses to Comments document is required by the California Environmental Quality Act (CEQA) as part of the environmental review process, and addresses public comments made on the Draft EIR. Comments on the PUD application are considered by the City Planning Commission is their review of that application, but are not formally responded to in this document. The public hearing for the PUD was kept open to allow continued comment on the PUD application prior to City Planning Commission action to approve, deny or request that the project sponsor modify the PUD.

Response 10-3 The potential impacts of the proposed project on the Carl B. Munck Elementary School are addressed in Responses to Comments 12-4 and 14-8; Response 12-4 includes text revisions to EIR subsection 4.7.3, having to do with public schools. The potential impacts of the proposed project on traffic and circulation in the

project area are addressed in EIR Chapter 4.5, and in Responses to Comments 3-4, 10-1, 14-7 and 16-2. The size, location and stocking practices of the local Safeway Supermarket are not issues requiring discussion in the EIR (concerns about "major items" being out of stock should be addressed to the local or regional managers of that company). The anticipated population increase of less than 100 was not considered potentially significant, and was therefore not included in the scope of work for the EIR.

- Response 10-4 As discussed above in Response to Comment 10-2, the regulations and procedures governing Planned Unit Developments are contained in Sections 7800-7849 and 9400-9424 of the Oakland Zoning Regulations. Whether or not a PUD is appropriate for development of the project site is a determination made by the Oakland City Planning Commission, or if a PUD application is appealed, the Oakland City Council.
- Response 10-5 The concern stated in the comment is essentially addressed by Mitigation Measure 4.7.4-1, EIR page 4.7-10, which requires provision of 0.25 acres of open space or recreation area, or payment of an in-lieu fee.
- Response 10-6 Emergency vehicle access and fire protection is addressed on EIR pages 4.5-13 to 4.5-15 and 4.7-1 to 4.7-5. The proposed project site is designated for "low-density residential" in the Land Use Element of the Oakland Comprehensive Plan, with an allowable lot size of 5,000 to 9,999 sq. ft. of land per unit. The site is zoned R-30 (One Family Residential) in the Oakland Zoning Regulations, which state that "the R-30 Zone is intended to create, preserve, and enhance areas for single-family dwelling areas of the City." Because the project proposes to develop multiple-family dwellings in an R-30 zoning district, approval of a Planned Unit Development (PUD), pursuant to Sections 7800-7849 and 9400-9424 of the Zoning Regulations, is required. The proposed project would not, however, be considered a "high density" development based on City standards. Please refer to Response to Comment 9-1 for additional information on this subject.

- Response 10-7 Please refer to Responses to Comments 9-1 and 10-6.
- Response 10-8 Low-density single family dwellings are the permitted use in this zoning district; however, the zoning regulations do allow other types of dwellings at higher densities as part of Planned Unit Developments (PUDs). The degree to which developments fit the natural contours of hillside is a function of architectural sensitivity and design.
- Response 10-9 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 10-10 The discussion of project alternatives presented in an EIR is intended to "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines Section 15126(d)(3)). In EIR Chapter 6, Unavoidable Significant Adverse Impacts, the only project impacts which could not be reduced to less than significant levels would be the loss of oak trees located on the oak knoll, and on-site emergency vehicle accessibility and maneuverability. Other potential impacts, although less than significant, were also identified in the EIR; these included accommodating some project parking off-site on Crestmont Drive, geological constraints of the site, the use of a Planned Unit Development to permit the construction of townhouses, and visual quality impacts associated with hillside development. EIR Alternative Two would accommodate all project vehicles on site, but would not address other less-than-significant impacts. Alternative Three would reduce the number oak trees affected by the project, would reduce the amount of off-site parking, but would not address the other less-than-significant impacts described above.

During the public hearings on the Draft EIR held at the Oakland City Planning Commission (June 10 and July 22, 1992), the project architect presented a modification to Alternative Three, intended to reduce potential impacts to the oak

trees on site, reduce the amount of grading required on the lower portion of the site, and reduce the project parking deficit. Also during the public hearings, several requests were made for a review of an alternative not including townhouses, and therefore not requiring approval of a Planned Unit Development (PUD). Beginning on page 7-4 in the DEIR, the Alternative Three text is therefore replaced with the following text revision, to reflect issues raised during the public hearings:

"7.3 ALTERNATIVE THREE: OAK KNOLL PRESERVATION DESCRIPTION

"Alternative 3A: Reduced Units on Lower Portion of the Site Only

"Alternative 3A would reduce by five the total number of dwelling units on the lower portion of the site, and increase by five the total number of dwelling units on the upper portion of the site, compared to the proposed project (see Figure 7-1). Under Alternative 3A, there would be 12 townhouse units on the lower portion of the site, located around a lower access road approximately 125 feet in length, in two clusters of three, two clusters of two, and two unattached units; by comparison, the proposed project would have 16 townhouses and one single family home located on the lower portion of the site. The lower access road under Alternative 3A would be shorter than that under the proposed project, and would not extend to the top of the oak knoll.

"Under Alternative 3A, the upper access road would be configured in a similar fashion as under the proposed project; the mix of residential units, however, would be different. Alternative 3A would have 16 single family homes and two pairs of townhouses on the upper portion of the site, compared to 15 single family homes and no townhouses under the proposed project.

"Alternative 3A would include on-site parking spaces on the lower and upper portions of the site of totalling 18 and 66 spaces, respectively, compared to 29 and 66, respectively, for the project.

"As with the proposed project, Alternative 3A would require approval of a Planned Unit Development (PUD) for development of townhouse units in an R-30 zoning district; this alternative could also require a Tree Removal Permit, as would the proposed project, due to the proximity of proposed structures to existing oak trees on the lower portion of the site.

"Alternative 3B: Single Family Units

"Alternative 3B would be similar to the proposed project at the upper portion of the site, including 15 to 16 single family homes. On the lower portion of the site, however, this alternative would include five to six single family



SOURCE: COLLABORATIVE DESIGN ARCHITECTS

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homes, compared to 16 townhouses and one single family home under the proposed project. Because no townhouses would be included in Alternative 3B, approval of a PUD would not be required as it would with the proposed project. The lower access road under Alternative 3B would be shorter than that under the proposed project, and would not extend to the top of the oak knoll.

"Alternative 3B would include on-site parking spaces on the lower and upper portions of the site of 10-12 and 44-50 spaces, respectively, compared to 29 and 66, respectively, for the project.

"Alternative 3B could require a Tree Removal Permit, as would the proposed project, due to the proximity of proposed structures to existing oak trees on the lower portion of the site.

"IMPACTS

"Alternative 3A

"Alternative 3A would generally have the same land use effects as the proposed project, since it would introduce 32 residential dwelling units onto a currently undeveloped site. By its rearrangement of the units on the site, however, this alternative would have a higher degree of consistency with some of the goals and policies of the Oakland Policy Plan discussed on pages 4.1-3 and 4.1-4, specifically regarding reduced grading activities and conservation of natural resources. Growth-inducing effects as described for the proposed project in Chapter 5 would be the same under this alternative.

"Alternative 3A would generally have the same potential impacts and require the same mitigation measures as the proposed project with regards to geotechnical considerations; however, under this alternative there would be a reduction in the amount of cutting and filling occurring in the location of the oak knoll.

"Alternative 3A would result in the same impacts to vegetation and wildlife as the proposed project, with one notable exception. Under this alternative, none of the 30 oak trees located on the oak knoll would require removal, compared to the proposed project which would require removal of up to one-half of these trees. Therefore, this alternative would eliminate the unavoidable adverse impacts identified for the proposed project, and would not have unavoidable adverse impacts. Under this alternative, however, Townhouse Units T8, T9, T10, T11, and T12, on the lower portion of the site, would be within 10 feet of five oak trees protected by the Tree Preservation Ordinance, and site plan review by the Oakland Department of Parks and Recreation would be required. If it were determined by the Oakland Department of Parks and Recreation that damage to these trees, including damage to roots or branches, could occur during construction or occupation of the site, a Tree Removal Permit would be required pursuant to Municipal

Code Chapter 7, Article 6, and the planting of replacement trees could be required.

"Alternative 3A would allow the placement of a tot-lot or some other open space use such as a mini-park on the Knoll area to reduce the park and recreation impact identified for the proposed project. According to Section 7805 of the Zoning Regulations, the City Planning Commission may as a condition of project approval require that the Knoll area be dedicated for public use, or be permanently reserved for the project residents.

"Vehicle trip generation under Alternative 3A would be about the same as the proposed project; however, more vehicles would use the upper access road than the lower access road compared to the proposed project. The localized shift in vehicles exiting and entering the site would be negligible. As with the proposed project, the Redwood Road/Crestmont Drive intersection would continue to operate at Level of Service (LOS) A under existing plus project and cumulative year 2000 conditions.

"Alternative 3A would provide on-site parking at the upper and lower portions of the site in the form of garages, driveways and parallel spaces. At the lower portion of the site, the supply of 18 parking spaces would meet the Code requirement, but would be nine spaces less than anticipated demand; at times when demand exceeded supply, project parking could be accommodated along Crestmont Drive, which has a low occupancy rate). At the upper portion of the site, the supply of 66 parking spaces would be 28 spaces more than required by Code, and 13 spaces more than anticipated demand.

"Under Alternative 3A, emergency vehicle access to the upper portion of the site would be similar to that for the proposed project, while on the lower portion of the site, this access would be better than under the proposed project. By eliminating the bulb cul-de-sac from the oak knoll, emergency vehicles would not have the same maneuverability problems as they would have had under the proposed project. Under both this alternative and the proposed project, some vehicle maneuvering problems could occur for residents of Townhouse Units T1, T2 and T3, due to the configuration of the lower access road. Modifications to the proposed on-site curb returns nearest these units is recommended to prevent rearward vehicle movements into Crestmont Drive.

"Alternative 3A would have similar visual quality effects as the proposed project in the upper portion of the site, but reduced visual quality effects compared to the proposed project on the lower portion of the site. The primary difference would result from the partial preservation of the oak knoll, and the reduced number of oak trees removed as part of the project.

"Environmental effects related to public services, utilities, energy and construction noise would be about the same under Alternative 3A as they would be under the proposed project.

"Alternative 3B

"Alternative 3B would have slightly reduced land use effects than the proposed project, since it would introduce 20-22 residential dwelling units onto a currently undeveloped site, compared to 32 under the proposed project. This alternative would have a higher degree of consistency with some of the goals and policies of the Oakland Policy Plan discussed on pages 4.1-3 and 4.1-4, specifically regarding reduced grading activities and conservation of natural resources. Growth-inducing effects as described for the proposed project in Chapter 5 would be the same under Alternative 3B.

"Alternative 3B would generally have the same potential impacts and require the same mitigation measures as the proposed project with regards to geotechnical considerations; however, under this alternative there would be a reduction in the amount of cutting and filling occurring in the location of the oak knoll.

"Alternative 3B would result in the same impacts to vegetation and wildlife as the proposed project, with one notable exception. Under this alternative, none of the 30 oak trees located on the oak knoll would require removal, compared to the proposed project which would require removal of up to one-half of these trees. Therefore, this alternative would eliminate the unavoidable adverse impacts identified for the proposed project, and would not have unavoidable adverse impacts. Under this alternative, however, single family homes on the northern portion of the oak knoll would be within 10 feet of five oak trees protected by the Tree Preservation Ordinance, and site plan review by the Oakland Department of Parks and Recreation would be required. If it were determined by the Oakland Department of Parks and Recreation that damage to these trees, including damage to roots or branches, could occur during construction or occupation of the site, a Tree Removal Permit would be required pursuant to Municipal Code Chapter 7, Article 6, and the planting of replacement trees could be required.

"Alternative 3B would also allow the placement of a small-scale recreational or open space use on the Knoll area to reduce the park and recreation impact of the proposed project. The City Planning Commission may require as a condition of project approval that the Knoll area be either dedicated for public use, or be permanently reserved for the project residents.

"Vehicle trip generation under Alternative 3B would be about 200-220 per day, and 28-31 during the p.m. peak hour, compared to 240 per day and 34 during the p.m. peak hour under the proposed project; this difference would be negligible in terms of effects on intersection capacity. The localized shift in vehicles exiting and entering the site would also be negligible. As with the proposed project, the Redwood Road/Crestmont Drive intersection would continue to operate at Level of Service (LOS) A under existing plus project and cumulative year 2000 conditions.

"Alternative 3B would provide on-site parking at the upper and lower portions of the site in the form of garages, driveways and parallel spaces. At the lower portion of the site, the supply of about 12 parking spaces would meet the Code requirement, but would provide four spaces less than anticipated demand; at times when demand exceeded supply, project parking could be accommodated along Crestmont Drive, which has a low occupancy rate). At the upper portion of the site, the supply of 47 parking spaces would be 36 spaces more than required by Code, and 25 spaces more than anticipated demand.

"Under Alternative 3B, emergency vehicle access to the upper portion of the site would be similar to that for the proposed project, while on the lower portion of the site, this access would be better than under the proposed project. By eliminating the bulb cul-de-sac, emergency vehicles would not have the same maneuverability problems as they would have had under the proposed project. Under both Alternative 3B and the proposed project, some vehicle maneuvering problems could occur for residents occupying units to the north of the Crestmont Drive/lower access road intersection, due to the configuration of the lower access road. Modifications to the proposed on-site curb returns nearest these units is recommended to prevent rearward vehicle movements into Crestmont Drive.

"Alternative 3B would have similar visual quality effects as the proposed project at the upper portion of the site, but reduced visual quality effects compared to the proposed project at the lower portion of the site. The primary difference would result from the partial preservation of the oak knoll, and the reduced number of oak trees removed as part of the project. In addition, by developing only detached units on the site, the visual perception of higher densities associated with attached townhouses, would be eliminated.

"Environmental effects related to public services, utilities, energy and construction noise would be about the same under Alternative 3B as they would be under the proposed project. This alternative would generate approximately nine elementary school-aged children, compared to 13 for the proposed project; the school impact development fee resulting from this alternative would be approximately \$81,080.00, \$36,030.00 less than the proposed project's fee of \$117,110.00.

"The feasibility of Alternative 3B must be evaluated in light of CEQA Section 21085, which stipulates that the decision-making body should never reduce the proposed number of housing units in a project as a mitigation measure or project alternative whenever another feasible specific measure or alternative could provide a comparable level of mitigation.

"The No Project Alternative is the environmentally superior alternative; among the other project alternatives, Alternative 3B is considered environmentally superior under CEQA, because this alternative would allow

a greater level of mitigation to environmental impacts than the project or the other alternatives."

The two-paragraph summary of Alternative Three provided on EIR pages 2-2 and 2-3 is replaced with the following text:

"Under Alternative 3A, there would be 12 townhouse units on the lower portion of the site, located around a lower access road approximately 125 feet in length, in two clusters of three, three clusters of two, and two unattached units. The lower access road under Alternative 3A would be shorter than that under the proposed project, and would not extend to the top of the oak knoll. The upper access road would be configured in a similar fashion as under the proposed project, and would have 16 single family homes and two pairs of townhouses.

"As with the proposed project, Alternative 3A would require approval of a Planned Unit Development (PUD) for townhouse units in an R-30 zoning district; this alternative could also require a Tree Removal Permit, as would the proposed project, due to the proximity of proposed structures and existing oak trees on the lower portion of the site.

"Alternative 3B would be similar to the proposed project at the upper portion of the site; on the lower portion of the site, however, this alternative would include five to six single family homes. Because no townhouses would be included in Alternative 3B, approval of a PUD would not be required as it would with the proposed project. The lower access road under Alternative 3B would be shorter than that under the proposed project, and would not extend to the top of the oak knoll. Alternative 3B could require a Tree Removal Permit, as would the proposed project, due to the proximity of proposed structures and existing oak trees on the lower portion of the site.

"Alternative 3A would generally have the same land use effects as the proposed project, but would have a higher degree of consistency with some of the goals and policies of the Oakland Policy Plan. Growth-inducing effects would be the same under this alternative as under the proposed project.

"Alternative 3A would reduce the amount of cutting and filling occurring in the location of the oak knoll, and none of the 30 oak trees located on the oak knoll would require removal. Some root and/or limb damage could still occur under this alternative, and project review pursuant to Municipal Code Chapter 7, Article 6 would be required.

"This alternative would allow the placement of a tot-lot or some other open space use such as a mini-park in the Knoll area to reduce the park and recreation impact identified for the proposed project. According to Section 7805 of the Zoning Regulations, the City Planning Commission may as a

condition of project approval require that the Knoll area be dedicated for public use, or be permanently reserved for the project residents.

"Vehicle trip generation under Alternative 3A would be about the same as the proposed project; emergency vehicle access on the lower portion of the site, however, would be better than under the proposed project.

"Alternative 3A would similar visual quality effects as the proposed project in the upper portion of the site, but reduced visual quality effects than the proposed project on the lower portion of the site.

"Environmental effects related to public services, utilities, energy and construction noise, would be about the same under Alternative 3A as they would be under the proposed project.

"Alternative 3B would have slightly reduced land use effects than the proposed project, and would have a higher degree of consistency with some of the goals and policies of the Oakland Policy Plan. Growth-inducing effects would be the same under Alternative 3B.

"Alternative 3B would reduce the amount of cutting and filling occurring in the location of the oak knoll, and none of the 30 oak trees located on the oak knoll would require removal; however, single family homes on the northern portion of the oak knoll would be within 10 feet of five oak trees protected by the Tree Preservation Ordinance, and site plan review by the Oakland Department of Parks and Recreation would be required.

"Alternative 3B would also require the placement of a recreational or open space use on the Knoll area to reduce the park and recreation impact of the proposed project. As noted above, the City Planning Commission may as a condition of project approval require that the Knoll area be dedicated for public use, or be permanently reserved for the project residents.

"Vehicle trip generation under Alternative 3B would be about the same as under the proposed project, but emergency vehicle access to the lower portion of the site would be better.

"Alternative 3B would have similar visual quality effects as the proposed project in the upper portion of the site, but reduced visual quality effects than the proposed project on the lower portion of the site.

"Environmental effects related to public services, utilities, energy and construction noise, would be about the same under Alternative 3B as they would be under the proposed project. This alternative would generate approximately nine elementary school-aged children, compared to 13 for the proposed project; the school impact development fee resulting from this alternative would be approximately \$81,080.00, \$36,030.00 less than the proposed project's fee of \$117,110.00.

"The feasibility of Alternative 3B must be evaluated in light of CEQA Section 21085, which stipulates that the decision-making body should never reduce the proposed number of housing units in a project as a mitigation measure or project alternative whenever another feasible specific measure or alternative could provide a comparable level of mitigation.

"The No Project Alternative is the environmentally superior alternative; among the other project alternatives, Alternative 3B is considered environmentally superior under CEQA, because this alternative would allow a greater level of mitigation to environmental impacts than the project or the other alternatives."

Response 10-11 The EIR does contain cumulative analyses of the proposed project as required the CEQA. As noted in the comment, the Traffic and Circulation section of the EIR lists several developments occurring near the proposed site which, together with the proposed project, would have cumulative effects on traffic conditions in this part of Oakland. Table 4.5-3 tabulates the p.m. peak hour vehicle trips from five cumulative developments, to illustrate the number of additional trips these projects would generate under cumulative year 2000 conditions (this information comes from these projects' respective environmental impact reports, one of which was in draft form during preparation of the Oakcrest EIR). Table 4.5-3 does not show the number of peak hour vehicle trips which would travel through a particular intersection, and the resulting cumulative deterioration in Level of Service (LOS) at that intersection.

A second method, described on EIR page 4.5-6, paragraph two, was the application of a growth rate for traffic volumes, first to the 1988 counts to bring them up to present (1992) conditions, then projected out to year 2000 (cumulative) conditions. As noted in endnote 2 of EIR Table 4.5-4, the Traffic Engineering Division of the Department of Public Works indicated that an annual growth rate in background traffic levels in this part of Oakland is between 0.5 and 1.0 percent per year; a growth rate of 1.0 percent per year was used in the Oakcrest EIR traffic section to assure a conservative analysis. It should be noted that even under cumulative conditions, the Redwood Road/Crestmont Drive intersection would operate at LOS A with a volume-to-capacity ratio of 0.33; this represents the best operating conditions with excess capacity.

The cumulative analyses contained in the EIR are primarily focused on traffic and circulation effects due to their potential significance, although consideration of other cumulative effects which may not result in significant impacts is also necessary. For this reason, the following discussions are added to the EIR. On EIR page 4.1-5, the following paragraph is added at the bottom of the page:

"The proposed project, in concert with other past, present and reasonably foreseeable future projects would cumulatively affect land uses in the project area. The primary cumulative land use affect is the continuing conversion of open space areas in the Oakland Hills to residential uses, and the associated changes in visual quality, urban design, recreational and open space resources, and potential impacts to rare or endangered plant and animal species. Specifically with regards to land use changes, however, these cumulative affects are considered less than significant, since this conversion has been planned for and incorporated into the Zoning Regulations by the City of Oakland, provided that potential environmental impacts of each project development are assessed and, if necessary, mitigated. Growth-inducing affects of land use conversion, and the other associated affects are discussed in their respective sections of the EIR."

On EIR page 4.4-7, following Mitigation Measure 4.4-1, the following paragraph is added:

"As stated in Impact 4.4-1, the project would cause the loss of up to one half of the 32 live oak trees presently on the site. While not a substantial number of trees in itself, they are in a visually prominent location, and their removal would incrementally contribute to the loss of live oak trees occurring throughout the City of Oakland. To address this concern on a citywide basis, the City Council adopted a Tree Preservation Ordinance in 1976 (revised several times hence). The Ordinance contains a process whereby a Tree Removal Permit can be obtained. As part of this process, a Tree Reviewer is empowered to consider the cumulative loss of oak trees occurring within the City, and make recommendations on the Tree Removal Permit application as part of the review process. In this manner, the City of Oakland has provided a means by which the cumulative loss of oaks can be protected."

The following paragraph is added at the end of paragraph one on EIR page 4.4-9:

"Additional disruption of wildlife species in the Oakland Hills will occur as a result of cumulative development in the area and the on-going conversion of undeveloped areas to residential uses. More mobile wildlife species will return to development sites or retreat to less developed areas such as the

Redwood and Chabot Regional Parks, while less mobile species are likely to be destroyed. Although these species would be lost on specific development sites in the area, they are common throughout the Oakland hills and lands of the East Bay Regional Park District; therefore, their loss is considered less than significant."

The following paragraph is added to EIR page 4.6-11 following Mitigation Measure 4.6-1:

"The proposed project would contribute to cumulative changes in the visual quality of the project area. The visual quality of the project area is experiencing an on-going conversion from open hillsides with a scattering of single family homes, to an area of mixed residential development and large pockets of protected open space areas. The land use conversion process also has the potential to produce growth-inducing effects which are discussed in Chapter 5. The intensity of these changes in the visual quality of the hills is largely influenced by site planning, architectural design and landscaping. The City should continue to require the highest standards for urban design such that cumulative visual quality impacts do not occur in the future."

The following paragraph is added to EIR page 4.7-5 following Mitigation Measure 4.7.1-3:

"Cumulative development in the Oakland Hills would have countervailing effects with regards to fire protection: increased populations in the hills raises the risk of accidental fire ignition and congestion during an evacuation, while increased development results in removal of flammable brush, construction of fire-retardant dwellings, and increased access to otherwise remote areas."

The following sentence is added as sentence three, paragraph one, on EIR page 4.7-6:

"cumulative development in the project area would also not result in a significant impact on the provision of police services."

The following paragraph is added to page 4.7-8 following Mitigation Measure 4.7.3-1:

"Cumulative development in the project area has contributed to overcrowded conditions at the Carl B. Munck Elementary School, requiring installation of

the portable classrooms and conversion of non-classroom space to classroom space. The OUSD is mandated to provide school facilities for a student-age children within the City, and levies school impact fees on residential development to offset some of the associated costs."

The following paragraph is added on EIR page 4.7-11, following Mitigation Measure 4.7.5-2:

"Due to the potential water distribution system capacity limitations of the existing infrastructure in the project area, cumulative development in the project area would add to these limitations. Mitigation Measures 4.7.5-1 and 4.7.5-2, intended to address the project's impacts on the water system, would be (or have been) imposed on other developments in the area as conditions of their approval (the language may vary for each project approval)."

The following paragraph is added to EIR page 4.9-4 as paragraph three:

"Other planned developments in the project area could have coinciding construction schedules, which would cause noise levels to increase by two to five dBA. This would generally be audible (depending on the loudness of the activity) and would probably be annoying to the nearest receptors (those within 100 ft.). Should one project be completed and a second begin soon after, noise impacts in the project area would be prolonged."

Potential cumulative impacts associated with soils, geology, seismicity and drainage are addressed under Response to Comment 10-13. Cumulative impacts associated with sanitary sewer service, solid waste disposal and energy usage are determined to be less than significant, as the growth occurring under cumulative conditions has been adequately planned for by the entities responsible for these services.

Response 10-12 Please refer to Response to Comment 10-10.

Response 10-13 At the June 10 and July 22, 1992 public hearings before the Oakland City Planning Commission, and in the Letters of Comment on the Draft EIR, the concern most often expressed regarding soils, geology and seismicity was that various aspects of the proposed project would decrease slope stability in the

vicinity of the project site. Questions were asked about details of the technical, administrative, and legal aspects of slope stability at the site and in the project vicinity.

A. In the technical category, questions included the following concerns:

- a. the basic stability of the sheared and blocky serpentine, serpentized schist, and rhyolite bedrock that form the face of the hill at this site;
- b. the effect of existing fractures on the stability of the bedrock;
- c. the potentially destabilizing effects of cutting into the bedrock;
- d. the basic stability of the shallow soils overlying the bedrock;
- e. the potentially destabilizing effects of adding fill over the bedrock and existing soil; and,
- f. the types, and designs of foundations, roads, and retaining walls proposed for the site.

B. In the administrative category, questions included the following concerns:

- a. the type and extent of geotechnical studies performed at the site during the environmental review process;
- b. the timing of pre-development geotechnical studies during and after the project approval process;
- c. the nature of detailed geotechnical studies during the grading, excavation, and foundation construction phases of the project; and,
- d. the monitoring procedures for the grading, excavation, and foundation construction phases of the project, to detect instability of the rock, soil or structures placed on the site.

C. In the legal category, questions included the following concerns:

- a. the responsibilities of the project developer to prospective home buyers and existing home owners;
- b. the responsibilities of the City to existing home owners;
- c. the responsibilities of the prospective home buyers to existing home owners; and,

d. the responsibilities of the City to existing home owners.

D. Other concerns expressed included the following items:

a. the effect of existing and future runoff on erosion, mud flows, and landslides at the project site and in areas upslope from the site.

b. the need for analysis of the effects of regional seismicity on the project; and,

c. the cumulative effects of the project on the geologic environment.

Three Bay Area geotechnical firms have been involved in the evaluation of geologic conditions at the site of the proposed Oakcrest Planned Unit Development: Alan Kropp & Associates, Darwin Myers Associates, and Hallenbeck & Associates. The Kropp report and the Myers report were included as Appendix B of the Draft EIR. The Hallenbeck review of the EIR (which was based on the Kropp and Myers reports) appears at the end of this document. The Kropp report dealt with soils, geology, regional seismicity, slope and groundwater conditions at the site. The Myers report was specifically a landslide hazards investigation of the site. The descriptions of the geologic units encountered on the site by the investigators was based on the review of pre-existing maps and reports for the area, and on examination of the actual materials that was brought out of the test pits and bore holes. Laboratory analysis of the materials recovered from the site were conducted according to standard testing procedures, and are described in *Appendix A - Subsurface Investigation* of the Kropp report. The results of the analyses are quantitative in nature, and are replicable by any properly equipped soils testing laboratory.

Two public hearings were held at which Alan Kropp of Alan Kropp & Associates addressed the technical questions regarding the information in the Kropp and Myers reports. At the second public hearing, Adel Kasim of Hallenbeck & Associates explained his firm's recommendation for a slope stability monitoring program before, during and after the construction phase of the project. Summaries of both public hearing presentations appear in this document. The

three firms are in general agreement regarding the adequacy of information provided for the environmental review process, and the need to monitor the stability of the slopes at the project site. The reader is referred to the three reports and two public hearing summaries for the full text of the materials and recommendations of each firm.

Some of the comments expressed very serious concern, and outright fear, that any alteration of existing conditions would trigger more landslides in the vicinity of the project site. Several commentators pointed out that the Oakland Hills have a history of slope instability, citing specific examples from each of the last four decades in areas near the proposed development. This heightened awareness of one of the most common geomorphic processes in the Bay Area certainly forms part of the basis for those very real concerns and fears. It was a similar awareness that prompted the City to establish Landslide Potential Zones in the Environmental Hazards Element of the Oakland Comprehensive Plan, with specific procedures to be followed when development was proposed in the higher risk zones.² Concern that the mitigation measures established by those types of procedures be followed, led to the passage of Assembly Bill No. 3180, the "Mitigation Monitoring Act" (see Response to Comment 12-2 for more on this topic). It is because of these administrative processes that increasingly more information is made available about the detailed steps taken to provide stable hillside areas in which to develop residential units.

As stated on page 4.2-12 of the EIR, the project site is in Landslide Potential Zone III. In this zone, the most susceptible to landslides, the City requires a site-specific geotechnical study to be prepared for a proposed project as part of the environmental review process. The purpose of the report is to identify soil, rock, slope, groundwater, or seismic conditions that would *preclude* development at the site. If geotechnical constraints exist, but can be reduced to an acceptable level

² City of Oakland, *Environmental Hazards, An Element of the Oakland Comprehensive Plan*, Oakland, California, 1974.

of risk, eliminated, or avoided, the report is to include recommendations that would accomplish this reduction, elimination, or avoidance. The report usually contains information about the design of foundations, roads, and retaining walls proposed for the site, but this information is preliminary; it is used as part of the conceptual design, not for the final detailed design. The preliminary information may allow the engineer for the project to come very close to the final design, but the final design is based on information collected from the exact spot at which a foundation, road, or retaining wall is to be built, at the time the construction is to take place.

For the proposed Oakcrest PUD, a site-specific geotechnical study was prepared in 1988 by Alan Kropp & Associates with the assistance of Darwin Myers Associates. That report was re-evaluated by the authors in 1992, to establish its applicability to the present project. The related EIR sections, which were based on the Kropp and Myers reports, were reviewed by Hallenbeck & Associates, also in 1992. Each of the firms involved recognized, and stated in their reports, that the site has geotechnical constraints that must be considered seriously during the design and development phases of the project. Alan Kropp stated this quite succinctly at the first public hearing when he said the geology of the general area tells us, "let's be very cautious here." Again, in the second public hearing, he said the project should be monitored very carefully during construction. At the second public hearing, Adel Kasim said that the Hallenbeck & Associates review (which is included at the end of this document) suggested a specific slope stability analysis be made, including on-going inspections by the project geologist and geotechnical consultant of each cut, and re-evaluation as new information becomes available. Alan Kropp, in his letter of July, 29, 1992 (which is included at the end of this document), agreed with this conclusion, despite the fact that the underlying geology at the project site is substantially different from that of the weaker slopes surrounding the site, and does not have a history of slope failures. The City Planning Commission may, as conditions of project approval, require that the City retain an independent geotechnical consultant, to be paid for by the project sponsor, to provide on-going site inspections and review specific hill stability

analyses prepared by the project sponsor's geotechnical consultant subject to the review of the Oakland Building Services Department. This is, in fact, exactly the type of monitoring envisioned by AB 3180 for sites where construction mitigation measures have been applied.

Because it is already required by State law, the monitoring program is not, in itself, a mitigation measure. However, the City is free to specify the level of detail the program will take, and the professional qualification requirements of the personnel who inspect the site and oversee the program. In this way, the professional judgement of the geotechnical firms, can be brought to bear on the detailed design, as well as the preliminary design, and construction of the project.

The legal responsibilities of the various parties involved in the Oakcrest PUD (the City of Oakland, the existing homeowners in the project area, and the future Oakcrest homeowners) are not really geological or hydrological issues. However, the Supreme Court of California, in its decision of December 7, 1981 (*Sprecher v. Adamsom Companies*, Sup., 178 Cal. Rptr. 783), stated that the uphill landowner owed a legal duty of reasonable care to protect the downhill landowner from landslide conditions. The City of Oakland, of course, is responsible for seeing that the construction permits for the downhill property contain every reasonable precaution to prevent the creation of unstable slope conditions. Execution of those precautions is the responsibility of the project developer, and the post-construction responsibilities are assumed by the home buyer.

Unlike flood insurance (required by federal agencies in flood-prone areas) or earthquake insurance (required by the State), landslide insurance is not required for hillside developments. It is a common-sense measure that gains slightly more public acceptance each time an unusually heavy rainfall causes slopes to fail. It is relatively inexpensive compared to the cost of replacing a building, but, of course, it does not exempt the home owner from the care and maintenance needed by hillside homes. The recommendation that owners of existing homes, or the prospective buyers of homes, in hillside areas consider landslide insurance

is merely a recognition of reality: landslides, like floods and earthquakes, *do happen*. The homeowner must decide whether or not the specific situation warrants the purchase of insurance.

Dr. Adel Kasim addressed the issue of drainage effects at the July 22nd public hearing. He indicated that drainage from two properties upslope from the project site would become a problem, if it continued to flow uncontrolled onto the project site. Correction of this flow is the responsibility of the owners of the upslope properties.

The regional seismic conditions and the effects of seismicity are discussed on pages 4.2-3 through 4.2-9 of the Draft EIR. In light of the on-going concern for the stability of the slopes at the project site, it is worth pointing out that slope stability analyses, to be performed as part of the mitigation monitoring program, routinely take seismic groundshaking into consideration when evaluating the dynamic stability of a slope. The information from the dynamic stability analysis can be used to design slopes and foundations in areas where it is advisable to use construction standards more stringent than those provided by the Uniform Building Code Standards for Seismic Zone 4.

The proposed project would have no noticeable cumulative effect on the geologic environment. The Oakland Hills have been eroding and sliding for tens of millions of years, as has the entire Coast Ranges province. A temporary change in slope stability, either positive or negative, for the 50 to 100 years that the project may reasonably be expected to occupy this site, represents an infinitesimal fraction of a percent of the geologic time the hills have existed. In human terms, where the total time-frame is only 50 to 100 years, the cumulative effect may appear quite differently. A properly stabilized hillside may appear to be a permanent feature, whereas a naturally unstable slope, or one that has not been properly stabilized, may appear to be a constantly downward-changing portion of Earth that never comes to rest. In this frame of reference, additional construction in unstabilized areas is viewed negatively, whereas construction in naturally stable,

or properly stabilized areas is viewed positively. It is to promote the use of proper stabilization techniques in residential construction that the City of Oakland established the Landslide Potential Zones.

Response 10-14 If a proposed project was expected to generate 100 or more p.m. peak hour trips, the Department of City Planning would be required to submit the proposal to the Alameda County Congestion Management Agency (CMA) for their review. The CMA would run the proposed project on the Countywide Transportation Model, which could identify additional potential impacts of the project. The CMA would then recommend additional mitigation measures intended to ameliorate such potential impacts. The proposed project would generate approximately 34 p.m. peak hour trips, however, which is below the 100 p.m. peak hour trips needed to trigger project review by the CMA.³

Response 10-15 Please refer to Response to Comment 14-1.

Response 10-16 Please refer to Response to Comment 12-2, particularly paragraphs 4-7.

Response 10-17 CEQA Guidelines Section 15126(d)(2) requires that "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." The comment is correct that this was not done in the discussion of alternatives. However, a modified alternative, discussed in Response to Comment 10-10, is the environmentally superior alternative, and is identified as such in accompanying EIR text revisions.

Response 10-18 Areas of controversy are geotechnical considerations of site development, elementary school overcrowding and perceived traffic safety considerations in the project area. Geotechnical considerations are addressed under Response to

³ Telephone communication, Dennis Faye, Executive Director, Alameda County Congestion Management Program, July 27, 1992.

Comment 10-13; Impacts to the Carl B. Munck Elementary School are addressed in Responses to Comments 12-4 and 14-; and project area traffic safety is addressed in Responses to Comments 3-4, 10-1, 14-7 and 16-2.

Response 10-19 The Department of City Planning considers the list of approvals provided in EIR subsection 3.4, Required City Permits and Approvals (EIR page 3-13), to be correct for the current proposal.

Response 10-20 Recirculation of an EIR is required under CEQA when "significant new information" is added to an EIR subsequent to public review and interagency consultation but prior to final certification, when such information results in a significant impact (*Pub. Resources Code* Section 21092.1); this has not occurred during environmental review of the subject EIR, and recirculation is not required. The monitoring and reporting requirements for proposed project mitigation measures is discussed in Response to Comment 12-2. Geotechnical considerations are addressed in one place under Response to Comment 10-13. Modifications to project alternatives are provided in Response to Comment 10-10.

Response 10-21 Revisions to the Draft EIR, where appropriate, are indicated in Responses to Comments and incorporated into the Final EIR. Under CEQA Guidelines Section 15089(b), the Lead Agency "may provide an opportunity for review of the Final EIR by the public or by commenting agencies before approving the project. The review of the Final EIR should focus on the responses to comments on the Draft EIR." The Oakland City Planning Department, the Lead Agency for the Oakcrest PUD EIR, provides copies of the Responses to Comments to all groups and individuals who commented on the DEIR ten days prior to the EIR certification hearing.

The opinion stated in the comment that only "unattached, single family dwellings" should be allowed on the site "due to the hill stability, density and aesthetics" is not supported by the technical data forming the basis of the Draft EIR.

- Response 10-22 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13. The City Planning Commission may, as a condition of project approval, require the City to retain an independent geotechnical consultant to be paid for by the project sponsor or developer, to provide peer review of the geotechnical and engineering aspects of the proposed project.
- Response 10-23 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 10-24 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 10-25 The topics of wildlife disruption and visual quality deterioration are respectively addressed in EIR Impacts 4.4-4 and 4.6-1. In addition, the commenter is referred to Response to Comment 10-11 which addresses cumulative effects occurring in the project area.
- Response 10-26 Mitigation measures identified in an EIR are specifically intended to address potential impacts of a project, not potential legal disputes between landowners. The commenter is referred to Response to Comment 10-13 which provides an extended discussion of geotechnical considerations of the site.
- Response 10-27 An extended discussion of geotechnical considerations associated with development of the proposed site, including requirements for mitigation measures, is provided in Response to Comment 10-13. The requirements for mitigation monitoring and reporting are discussed in Response to Comment 12-2.

(Assistant Planner)

Dear Nipon Sam: Re: Case # ER 88-37

11-1

I am writing to protest ^{the building} 32 units on Redwood Road and Crestmont Drive. This would be awful. Please on the corner of Crestmont Drive and Westfield Way. Please through a terrible flood in this area, with landslides that killed a child, and injured her mother. Please also seen the last fattation of oak trees in Oakland, torn down to make way for the town houses on Amara Lane. This area was so beautiful that a proposed park was in the works. All of the deer and wildlife have disappeared because their feeding and hiding area has been eliminated.

11-2

Many beautiful and important trees have been torn down. Because of all of the town houses and condominiums built along Redwood Road all of way down to the ~~the~~ at the bottom of Redwood Road.

11-3

I have been very worried about erosion and
mudslides into Redwood Road especially
near the Chevron station area.

This whole area would lose its charm and
peacefulness if any more development took place.
My house has been broken into eight times, since
we moved in here in 1957.

Crestmont Drive, which runs by my house would
become more congested, as people drove to their
homes. At night, I become scared, because my
house has been broken into so many times, and the
noise and congestion would scare me more.
Because more people would access Crestmont
Drive as one way to go to their homes ~~near~~ Redwood
Road. I am only too happy away. Crestmont Drive
is a main through fare through the whole
Crestmont area. The additional noise would be
very unpleasant. Crestmont Drive is a very steep
street makes the steepest street in Oakland, and it
can be very dangerous. A few years ago
some teenagers were killed, as they came down
the hill too fast, and hit a parked car near
my home.

A car was involved. I could not see how
this is any closer to happening, many times.

If you take these last remaining oak trees
you are not only destroying some charm from
the area, but you are leaving the serpentine and
shade ground open to erosion and landslides. This
is what happened during the flood I referred to
earlier in this letter. I know because I was
here when it happened.

Please do not take the peacefulness and quiet
charm of our area by adding new residences.

Sincerely,

Jo and Lewis Caldwel

11-8
not kept. Some were lost also, in the
flood. They slid down the hills.

11-9
and safety additions. As one drives along
Crestmont Drive to enter Crestmont, the intersection
at the corner of Westfield Way and Crestmont Drive
can be very dangerous, as one turns into
Westfield Way, the cars are coming so fast, that
they would be unable to stop. Even the summer
afternoons the light from the sun is blinding and
one can not see to run around the hill.

Post script 3. What if there was an emergency
such as an earthquake or a fire? How
would emergency vehicles have access to
Redwood Road and Crestmont Drive during
the terrible congestion? We are only a
half of a block from the Hayward fault.

Lois & Lewis Goldsmith
598 West Field Way
Oakland, CA 94619

COMMENT LETTER 11
Lois and Lewis Goldsmith

- Response 11-1 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 11-2 Response to Comment 5-1 provides a discussion of the City of Oakland's Tree Preservation Ordinance, and the role of the Tree Reviewer during the review process for a Tree Removal Permit. In Response to Comment 10-11, language has been added to the EIR addressing the cumulative loss of live oak trees and cumulative disruption of wildlife occurring in Oakland.
- Response 11-3 Please refer to Responses to Comments 5-1 and 10-11.
- Response 11-4 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 11-5 The intersection of Crestmont Drive and Redwood Road currently operates at Level of Service (LOS) A, and hence, the observation of "congested" traffic conditions on Crestmont Drive in the vicinity of the proposed project site is not supported by the data. Casual observations in this area suggest, however, that drivers along Crestmont Drive, between Klamath Street and Redwood Road, generally drive at or above the posted speed limit, pushing the margin of safety. For this reason, the following language is added to the EIR following Mitigation Measure 4.5-4 on EIR page 4.5-13:

"The following improvement measure, although not intended to mitigate a specific significant impact, would improve conditions in the project area:

Speed bumps, speed attenuation and/or speed undulation devices should be installed on Crestmont Drive for eastbound traffic west of Westfield Way and between the two Samaria Lane/Crestmont Drive intersections."

As noted on EIR pages 4.9-1 and 4.9-2, operational noise (noise associated with operation of the proposed project, including increased vehicle activity) would not result in perceptibly greater noise levels than those existing in the area.

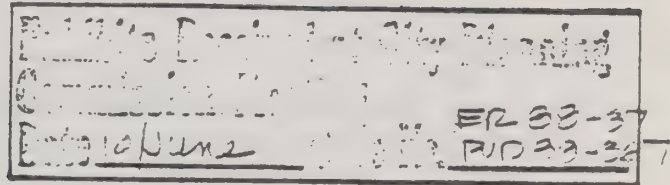
The issue of police protection in the project area is addressed in EIR subsection 4.7.2, EIR pages 4.7-5 and 4.7-6. The proposed project would not significantly affect police protection services provided in this area.

- Response 11-6 Please refer to Responses to Comments 3-4 and 11-5.
- Response 11-7 Please refer to Responses to Comments 5-1 and 10-13, which respectively discuss the issues of oak tree removal and geotechnical considerations of the site.
- Response 11-8 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 11-9 The Westfield Way/Crestmont Drive intersection is potentially hazardous due to the steepness of Crestmont Drive west of the intersection. Traffic safety at this intersection is discussed in Response to Comment 11-5 (other discussions of traffic safety in the project area occur in Responses to Comments 3-4, 10-1, 14-7 and 16-2).
- Response 11-10 Off-site emergency vehicle access is addressed in EIR subsection 4.7.1, Fire Protection. On-site emergency vehicle access is discussed in EIR under Impacts 4.5-3, page 4.5-11, and Impact 4.5-5, page 4.5-13. Please refer to Response to Comment 9-1, paragraph two; for further information on evacuation procedures during a fire or earthquake, the local police and/or fire station should be contacted.

LETTER 12

245 Samaria Lane
Oakland, CA 94619

June 10, 1992



Oakland City Planning Commission
Lakeside Garden Center
666 Bellevue Avenue
Oakland, CA

Re: Oakcrest Planned Unit Development
ER 88-37/PUD 88-367

Dear Commissioners:

The following outlines deficiencies and inaccuracies in the draft EIR for the Oakcrest Planned Unit Development which should be addressed and corrected before the final EIR is submitted.

Geotechnical Issues

On page two of Alan Kropp's geotechnical investigation in Appendix B under Scope, it states: "...this report should not be relied upon after a period of three years without being reviewed by this office." This admonition was made in September 1988. Geotechnical statements throughout the text are based on Mr. Kropp's firm's findings, and by his own advice, the information was out of date a year ago. The following sections of the DEIR are of particular concern in view of this advice:

"Grading on the sheered serpentine has created slope stability problems elsewhere, e.g., in cuts overlooking Redwood Road, the soil presents severe constraints for all types of development due to the steepness of slopes, the shallow soil depth, and the underlying hard bedrock near the surface. The project site is in a region of high seismic activity." (p. 4.2-3)

"Approximately 24 or the 32 proposed units would be at least partially affect by poor slope stability, soil creep, and soil erosion characteristics. Without adequate mitigation, these site constraints would be considered significant adverse impacts because they could result in substantial changes to the existing topography, and they could create geologically hazardous conditions for the future population of the site." (p. 4.2-11)

No Provision for Enforcement of Landscape Plan or Replacement of Oaks

Chapter 6, Unavoidable Significant Adverse Impacts focuses solely on the coast live oaks which are 75 - 100 years old. Not only are 16 of the 32 native trees slated for removal, but the viability and health of those left may be significantly damaged. These trees are not only one of the most beautiful groves left in Oakland, but they also shelter numerous bird species, provide erosion control and noise barrier.

12-1

12-2

12-2

A minimum of 16 of the standing 32 coast live oaks are slated for removal and others would require extensive pruning (p. 3-13 and 4.7-3).

"As part of the project, a comprehensive landscaping plan would be developed, emphasizing use of new native coast live oaks, and drought-tolerant plant species; this plan was not available during preparation of the EIR." (p. 3-13) This plan is essential and the EIR should not be considered complete without it. By failing to require a specific commitment to a tree and landscape plan, there is no guarantee the developer will do anything more than remove the trees.

The proposed project would include comprehensive landscape plan and developer would retain services of qualified arborist during the sensitive site preparation plans (p. 4.1-1). Does this mean before the final EIR? We should have specifics incorporated into the final EIR.

12-3

Future Homeowners' Association

There is no provision in the DEIR for CC&R's or a homeowners' association with binding obligations. Consequently, there are no guarantees that a landscape plan, vegetative fuel management program, or maintenance of drainage systems will be developed or adhered to (Table 2-1, 4.7.1-1). The effectiveness of a homeowners' association is based on the goodwill and energy of a few volunteers, and without stronger language in the EIR, the mitigation measures will be considered recommendations only.

"It must be recognized that it becomes the responsibility of the occupants of hillside sites to perform the maintenance of drainage systems that is so important to the proper functioning of foundations and retaining walls. Because the consequences of landsliding could be costly, the occupants of the site should consider obtaining landslide insurance." (p. 4.2-12) The cost of this insurance along with earthquake and fire insurance coverage in an area at high risk could prove a significant financial burden for the future homeowners.

12-4

Impact on Carl Munck Elementary School

There is no guarantee that school district development impact fee of approximately \$117,110 would go directly to the schools affected, in particular Carl B. Munck Elementary, to alleviate problems of overcrowding, understaffing, lack of equipment, etc. (Table 2-1, 4.7.3-1)

Carl Munck Elementary School has capacity for 350 students (p.4.7-6). The EIR uses enrollment statistics from October 1990 of 455, but according to the principal, the district projects a September 1992 enrollment of 532. That is already 182 beyond capacity, and the project sponsor anticipates an additional 13 students in an additional portable classroom on the existing playground. Several years ago, the school library was moved to the auditorium stage so that more classroom space could be created. This overcrowding issue is not easily dismissed by assuming that an additional portable will solve it. What has been done to work with the school directly to address and mitigate this problem?

Traffic and Circulation

Statistics for this section were gathered between 1985 and 1989, and should be considered outdated and inadequate. A residential parking survey noted to be contained in Appendix D is not present.

Section 4.5 of the DEIR is based on "Oakland Development Traffic Study" conducted by Thomson Engineers in January 1989. The statistics quoted for peak-hour traffic volume on State Route 13 of 5,500 vehicles is dated June 1988, and p.m. peak volume of 580 vehicles on Redwood Road between Crestmont and Skyline is from January 1989. In January 1989, peak p.m. traffic volume was 130 cars on Crestmont.

"Traffic accident records for the period of January 1985 through September 1987 were reviewed as part of the background analysis." Eight accidents (two of which were injury) occurred during this 32-month period from seven years ago.

Table 4.5-3, "Cumulative Project Trip Generation" (page 4.5-8) borrows statistics from five other EIR's, two of which were finalized in 1988 and another in 1985. Again, outdated statistics.

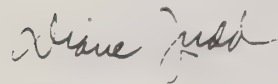
"85% of vehicles on Crestmont Drive in the vicinity of Samaria Lane travel at speeds between 29-33 mph." (p. 4.5-12 and 13) According to the present plan configuration, residents of townhouses T1 and T2 will have to back their vehicles out of the lower access road into Crestmont Drive. This is a frightening prospect considering the blind curves and fast speeds.

Footnote 10 (p. 4.5-15) refers to a complete report of a residential parking survey upon which the formula for estimating parking demand was based. This report is noted as being included in Appendix D, and it is not.

Alternatives

Could you please clarify the paragraph at the bottom of page 7-5: "...the decision-making body should never reduce the proposed number of housing units in a project as a mitigation measure or project alternative whenever another feasible specific measure or alternative could provide a comparable level of mitigation."? Is there another measure or alternative?

Sincerely,



Diane Judd

12-5

12-6

12-7

6/22/92

2:45 pm

Mrs. Lam -

12-8

Sorry to have missed you, but
I appreciate having been able to
review the records on Oakcrest PUD.

I belong to the Redwood Hills
II Residential Association and noted
that mail to the association bore
the old address of Great Western
Bank's real estate office. Mail
should be directed to our
president,

Fred Neesner

239 Janaria Lane

Oakland 44619

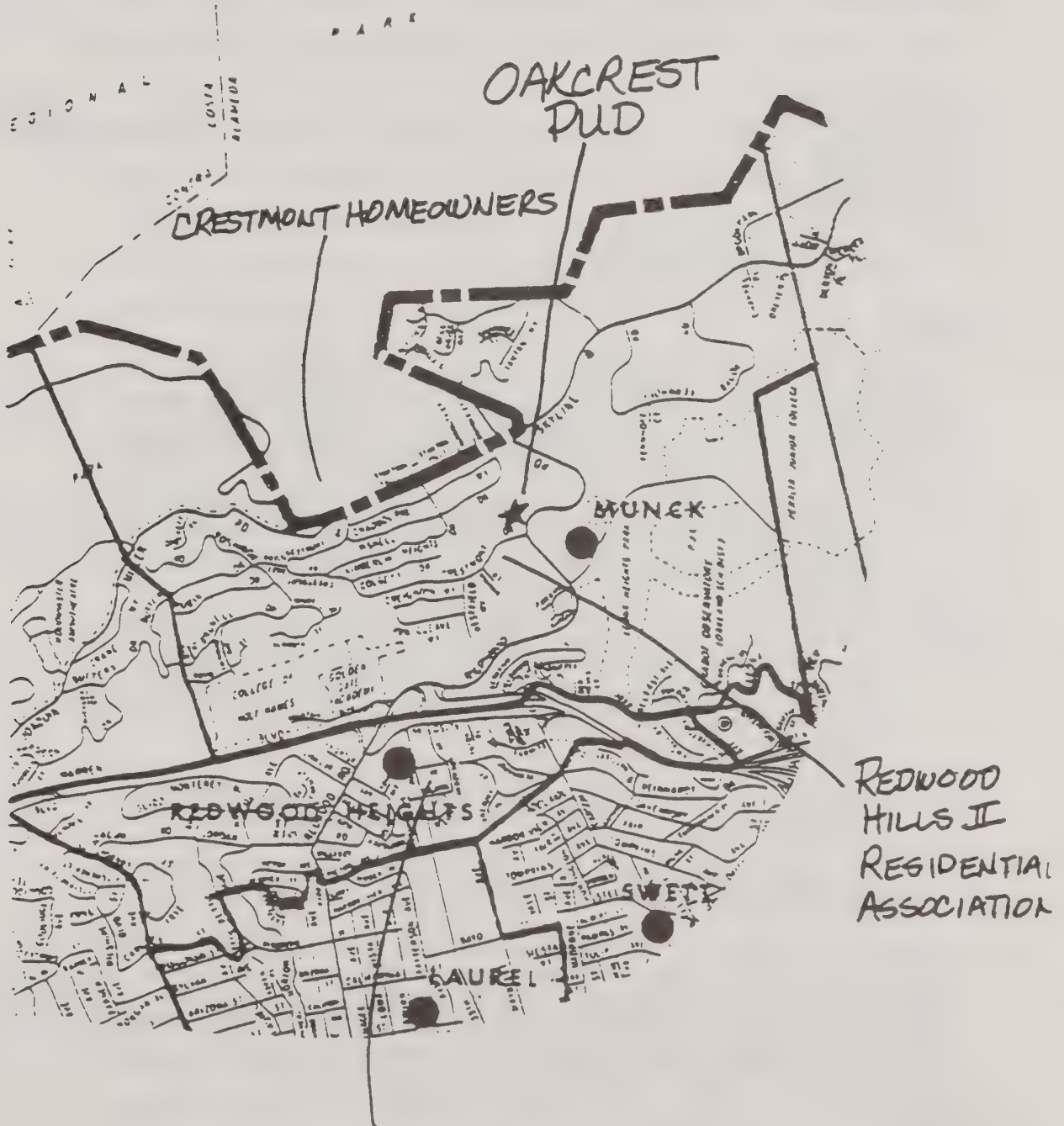
Home phone 531-1951

Thank you.

Diane Judd

ER 88-37
PUD 88-36,

SCHOOL BOUNDARIES

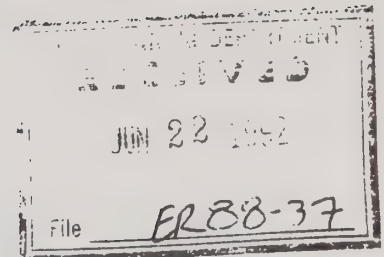


REDWOOD HEIGHTS IMPROVEMENT ASSOCIATION

245 Samaria Lane
Oakland, CA 94619

June 22, 1992

Mr. Alvin D. James
Director of City Planning
City of Oakland
1330 Broadway, Suite 310
Oakland, CA 94612



Re: Oakcrest Planned Unit Development
File No. ER 88-37; Ref. No. PUD 88-367

Dear Mr. James:

At the June 10th meeting of the City Planning Commission, Mr. James Burns, architect for the Oakcrest Planned Unit Development, presented a letter of endorsement from Mr. Herb Sandal, President of the Redwood Heights Improvement Association, Inc. (copy attached). The purpose of my letter is to clarify points and assumptions that the Planning Commission should take into consideration in weighing Mr. Sandal's endorsement:

12-9

- 1) The Redwood Heights Improvement Association does not represent any homeowners living in close proximity to the proposed development. The general boundaries of the association are Sylhowe, Wisconsin, and Carson Streets and the Warren Freeway. For the most part, the 1200 members of the Redwood Heights Improvement Association live one mile west of the site.
- 2) The homeowners directly impacted by the Oakcrest PUD are represented by the Crestmont Homeowners Association and the Redwood Hills II Residential Association. The presidents of these groups, Mrs. Mary Warren and Mr. Fred Weesner respectively, both spoke at the June 10th meeting. The residents of Kingwood Road do not, to my knowledge, have a formal organization, but Susan Williams, a Kingwood Road resident, also spoke.
- 3) The children of the members of the Redwood Heights Improvement Association do not attend Carl Munck Elementary School, but rather Redwood Heights Elementary School. (School district map enclosed.)
- 4) Mr. Sandal notes that the original project drawings were presented in 1988 and that a little over a year ago the Redwood Heights Improvement Association board accepted the proposal.

In reviewing the endorsement of Mr. Sandal's board, I ask the Commission to be sensitive to the fact that the homeowners his board represents will not be directly impacted by geotechnical instability or traffic and circulation problems, their school will not suffer from insufficient space or teachers, and most of them cannot even see the site from their homes. Further, the draft EIR was not yet available at the time of their acceptance and their approval seems to be based merely on the architect's presentation. Finally, Mr. Sandal unwittingly shows how unfamiliar he is with the site by referring to "Cressmount" instead of Crestmont Drive.

Sincerely,

Diane R. Judd

COMMENT LETTER 12

Diane Judd

- Response 12-1 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 12-2 The coast live oak trees located on the project site, identified as being 75-100 years old, are commonly referred to as heritage trees. The Tree Preservation Ordinance does not, however, afford special protection to trees based on age. Rather, protection under the ordinance is based on species and size (trunk diameter measured at breast height). EIR Figure 4.4-1, page 4.4-7, shows the location and trunk diameter of the 32 coast live oak trees currently found on the proposed project site. Based on the species and size of trees on the project site, the requirements of the Tree Preservation Ordinance, implemented through Municipal Code Chapter 7, Article 6, would apply to the most of the trees on the project site. Although less than one-half of these trees are slated for removal under the proposed project, the corresponding EIR impact analysis (page 4.4-6) focuses on a worst-case scenario: removal of up to one-half of the coast live oak trees, and possible disruption of trees intended for retention. This topic is discussed in more detail in Response to Comment 5-1.

Under a modified site plan configuration, on-site oak trees may not require removal, but damage could still occur to tree roots and/or limbs; therefore, the ordinance would still apply. This topic is discussed in detail under Response to Comment 10-10.

Under Mitigation Measure 4.4-1, page 4.4-6, the project sponsor would be required to submit to the Office of Parks and Recreation a landscape plan for the proposed project. The mitigation measure states that the plan should emphasize the use of new plantings of native coast live oak trees, and other species common to the oak woodland setting present at the project site. The Office of Parks and Recreation will presumably stipulate that the landscape plan follow the requirements of Code Section 7-7.06(B), which sets forth criteria for replacement

plantings. If and when the EIR for this proposed project is certified by the City Planning Commission, all Mitigation Measures included in the EIR will become conditions of project approval. If conditions of approval are not met by the project sponsor, implementation of the project will be stopped.

On January 1, 1989, the California State Legislature passed into law Assembly Bill 3180 adding Section 21081.6 to the *California Public Resources Code*. This law requires that when making findings required by subdivision (a) of Section 21081 of the *California Public Resources Code* or when adopting a negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, a public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

The conditions of approval for the Oakcrest Planned Unit Development project will define in detail those requirements necessary to comply with the mitigation measures proposed in the Final Oakcrest Planned Unit Development EIR to be imposed on the property owner(s). The monitoring program will be designed to provide a mechanism to ensure that the mitigation measures and associated conditions of project approval are implemented.

The basis for this monitoring program will be the mitigation measures included in the Final EIR (a separate monitoring program may be developed as a result of CEQA review of the tree removal permit process). These mitigation measures will be designed to eliminate or reduce potential significant environmental effects to less than significant levels. Most of the Final EIR mitigation measures will be incorporated into the conditions of project approval required to be completed by the property owner(s) during implementation of the project. Additional mitigation measures required to be implemented by the City of Oakland will also be included in this monitoring program.

The mitigation monitoring and reporting program for the proposed project will identify each mitigation measure for a significant environmental impact and would specify the following: monitoring action(s) required; the mitigation measures required and performance standards to which the mitigation shall conform; responsible party or agency to conduct the monitoring and reporting; the frequency of monitoring; the frequency of reporting the outcome of monitoring activities; and sanctions to be imposed for noncompliance with required mitigation measures.

For these reasons, a detailed landscaping plan for the project is not an essential feature of the EIR, but will be required at building permit application stage.

Response 12-3 If and when the Draft EIR for the proposed project is certified by the City Planning Commission, the Lead Agency will be required by CEQA to make a series of findings. For each significant impact identified in the EIR, the Lead Agency must make one or more of the following findings: 1) that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the effect; 2) that the Lead Agency lacks jurisdiction to make the change, but that another agency does have such authority; and/or 3) that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. All these findings must be supported by substantial evidence in the administrative record. Any mitigation measures which subsequently become conditions of project approval must be implemented. The monitoring and reporting of mitigation measures, required by Public Resources Code Section 21081.6, is discussed in Response to Comment 12-2.

The intention of the project sponsor is to develop a homeowner's association, charged with various site maintenance responsibilities. The creation of the homeowner's association would be stipulated in the Covenants, Codes, Restrictions and Easements document, typically referred to as the CC&R. The specific details of the homeowner's association and the CC&R document have not

yet been provided by the project sponsor, but will be required by the City of Oakland prior to approval of the PUD application for the proposed project. The Draft EIR does recommend the implementation of various mitigation measures through the use of deed restrictions, CC&Rs, and/or a homeowner's association (see Mitigation Measures 4.3-3 and 4.7-1 of the Draft EIR).

Section 7805 of the Zoning Regulations indicates that the City Planning Commission may "as a condition of approval, require that suitable areas for...parks or playgrounds be set aside, improved, and dedicated for public use, or be permanently reserved for the owners, residents, employees, or patrons of the development. Whenever group or common open space is provided, the Commission...may require that an association of owners or tenants be created for the purpose of maintaining such open space."

Response 12-4 The elementary school impact fee of approximately \$117,110.00 (EIR Mitigation Measure 4.7.3-1, page 4.7-7) would be imposed on the project sponsor by the Oakland Unified School District (OUSD) as a condition of project approval. An impact fee of this type is levied district-wide on all residential developments; it is combined with other sources of revenue in the district and spent district-wide on the basis of individual school needs and population levels. Schools with the greatest needs, such as overcrowding and lack of equipment, are given first consideration for expenditure of these funds. Therefore, the commenter is correct that the impact fee would not go directly to the Carl B. Munck Elementary School to mitigate project-specific impacts; however, as discussed below in Response to Comment 14-8, Carl B. Munck is among those schools most in need of additional resources, and it could receive a greater or lesser amount of funds than the \$117,110.00 contributed by Oakcrest project sponsor.

The second to last paragraph on EIR page 4.7-6 is revised to read as follows:

"The project site is located within the boundaries of the Oakland Unified School District (OUSD). Elementary school-age students in the vicinity of the project site attend the Carl B. Munck Elementary School, located at

11900 Campus Drive, approximately one-quarter mile south of the project site. The school currently has 15 permanent classrooms for grades 1-6 (about 30 students each), one permanent classroom for kindergarten classes (27 students), and two portable classrooms located on a portion of the asphalt playground (27 students each). The school capacity is therefore 477 (not including the portable units) or 531 (including the portable units). In 1990, the enrollment at Carl B. Munck Elementary School was 455, which is below capacity. The enrollment is expected to rise in the next few years, resulting in the conversion of non-classroom space to classroom uses."

If it is determined by the OUSD that enrollment at Carl B. Munck is above capacity, the District will determine which schools within the District have sufficient capacity to accommodate the overflow.

Response 12-5 Endnote #1 on page 4.5-18 indicates that the Traffic and Circulation chapter of the EIR is based on *Oakland Development Traffic Study*, prepared by Thompson Associates in 1989. The first administrative draft of the Draft EIR was prepared in February 1989, however, later in 1989, environmental review of the proposed project was temporarily stopped at the request of the project sponsor. In 1991, environmental review of the proposed project was reactivated, and a meeting was held on December 12, 1991, attended by staff of the Department of City Planning and EIP Associates (the EIR consultant), to discuss current requirements for completing an adequate Draft EIR. Among the topics discussed at the December 12th meeting was the timeliness of data source material.

Each section of the Draft EIR was reviewed to determine if any information had become dated, and information was updated where appropriate. For example, on EIR page 4.5-4, first paragraph, the EIR states that "...traffic volumes, which were originally obtained in 1988,...were adjusted upward by one percent per year to provide a more accurate representation of existing (1992) conditions." Another example of updated information can be found on EIR page 4.5-6, paragraph two, where cumulative development in the project area is discussed. In both cases, original data collected in 1988 was updated by applying a conservative growth factor.

Traffic accident records cited in the EIR (page 4.5-1) do not represent the most current information available on this subject. However, for the purposes of this EIR, they accurately characterize the traffic safety concerns in the project area, and are sufficient. The EIR bases its off-site circulation analysis on minimum stopping site distances required for wet pavement conditions, established by the Oakland Department of Public Works, Traffic and Parking Division. Based on these requirements, Mitigation Measures 4.5-2, 4.5-4, 4.5-5 and 4.5-7 are recommended, as illustrated in Figure 4.5-2, page 4.5-14.

For these reasons, information in the Traffic and Circulation chapter of the EIR is not considered outdated. This topic is discussed further under Responses to Comments 3-4, 7-1, 10-1, 14-7 and 16-2.

The 1989 Traffic Study was incorrectly identified as being included in full in Appendix D of the EIR; rather, it is on file and available for public review at the Oakland Department of City Planning. Appendix D contains level of service definitions for signalized intersections, project parking calculations, vehicle speed survey sheets and a summary of the minimum stopping sight distances required on wet surfaces. Therefore, the parenthetical reference following sentence three, paragraph two, page 4.5-15, and the last sentence of endnote 10, page 4.5-19, are deleted.

Response 12-6 The commenter is correct that backing vehicles out of the lower access road onto Crestmont Drive would represent an unsafe condition, and should be avoided. Under the proposed project site plan configuration, it would be possible for cars to be maneuvered into a forward position prior to exiting the site. As described in Response to Comment 10-10, the project sponsor has proposed a modification to Alternative Three, which is primarily intended to reduce the number of oak trees that would be removed from the oak knoll. The modified alternative would also reduce this unsafe circulation situation by rearranging structures on the lower portion of the site. This on-site street configuration for the PUD is subject to

review and approval by the Traffic Engineering Division of the Oakland Department of Public Works.

As noted in the previous Response to Comment 12-5, references to Appendix D have been revised.

Response 12-7 The paragraph cited in the comment is derived from Public Resources Code Section 21085, which states:

"With respect to a project which includes housing development, a public agency shall not, pursuant to this division, reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation. This section shall not affect any other requirements regarding the residential density of that project."

Please refer to Response to Comment 10-10 for more information on this subject.

Response 12-8 The comment is noted. The correct address for the Redwood Hills II Residential Association is Fred Weesner, 239 Samaria Lane, Oakland, CA 94619, and the correct telephone number is (510) 531-1901.

Response 12-9 CEQA Guidelines Section 15044 states that "[a]ny person or entity other than a Responsible Agency may submit comments to a Lead Agency concerning any environmental effects of a project being considered by the Lead Agency." Therefore, the Responses to Comments contained herein give equal consideration to each comment received during the public review period.

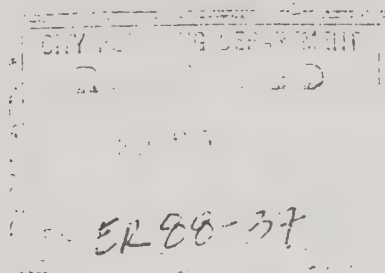
Localized environmental effects which could occur if a proposed project is implemented are often the most significant, and are therefore given the greatest amount of scrutiny. The specific concerns regarding overcrowding at the Carl B. Munck Elementary School are addressed under Response to Comment 12-4. Potential off-site geotechnical impacts of the proposed project are addressed in Response to Comment 10-13. Potential traffic and circulation impacts of the

proposed project are addressed in a number of Responses to Comments, based on the specific issue of concern (see Responses to Comments 3-4, 10-1, 14-7 and 16-2).

LETTER 13

FRED LANGE
32 KINGWOOD ROAD
OAKLAND, CALIFORNIA 94619

June 29, 1992



City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612

Attn: Nixon Lam, Assistant Planner

SUBJECT: Proposed Oakcrest Planned Unit Development
Case No. ER 88-37
Northeast Corner Redwood Rd. & Crestmont Dr.
Oakland, California
File 360 Comments on the DEIR

Ladies & Gentlemen:

I have reviewed the Oakcrest Planned Unit Development, Draft Environmental Impact Report, City of Oakland, dated May 1992, as prepared by EIP Associates.

Comments on EIR for Oakcrest Proposal:

1. I have walked the site on the prominent knoll near Crestmont Drive and Redwood Road where several native and beautiful oak trees exist. The most important issue is maintaining as many trees as possible for their own beauty and as a home for migratory birds; they use the trees for shelter and food as they pass through this area. Why replace the trees with approximately 40 feet high townhouses fronting on Crestmont Drive? I thought there were height limits in our neighborhood. A 40 foot high (4-story equivalent structure), including three adjoining living units is not attractive, regardless of architectural ornamentation.
2. My personal recommendations are to construct all single-family, detached homes on the site and retain the 30 mature oak trees. Insure that the homeowners next to the trees do not allow landscaping water to flow to the tree roots, since this will cause disease and possible death to the oak trees. The City of Oakland was reportedly named after the majestic oak trees. Let the trees continue to live and be a habitat for the beautiful songs which come from the trees in spring when the birds

13-1

13-2

arrive. Too many oak trees were destroyed when the development was constructed in the hills above Keller Avenue.

- 13-3
3. Require that all code parking requirements be met on the site. We do not need any additional parking on Crestmont Drive where the visibility is poor. My youngest daughter, while in her auto, was hit by a motorist making a left turn into Samaria Lane from Crestmont Drive. Fortunately, extensive damage was done to my daughter's Honda Accord but no significant injury was done to my daughter. Another reason to require code parking is that autos from visitors to Pinto Park already park on Redwood Road and Crestmont Drive, as well as up on Kingwood Road. Refer to Attachment "D".

- 13-4
4. Why does the City still want to increase the density of this neighborhood? Why isn't there an alternative in the EIR to construct all single-family, detached units similar to those existing in the Crestmont area and the Woodland Hills area? An alternative one was included in the EIR stating "The proposed project would not be built." Again, we ask why was not an alternative included for building single-family, detached residential units? I recommend this alternative be included for our review. The EIR addresses the fact that a PUD is needed to develop the property and additional land would be procured from the adjacent tennis club. Another PUD is not needed in this neighborhood.

Retain the R-30 single family zoning and do not allow additional multi-family units in this neighborhood of single-family residences; the existing yard areas are already small due to the previously approved developments.

- 13-5
5. The City Planning Department and the City Council have approved previous PUD developments, which fill the adjacent canyons and hillside south of the site. There are enough PUD's.

- 13-6
6. Serpentine soil. An extensive discussion is included on the geological and geotechnical characteristics of the site. I did not see where rainfall and flooding was significantly discussed. Our area has had a drought climate period for some years now. What happens when the rainstorms return such as we had in the 1960's and also in the early 1980's when landslides were numerous in Alameda County. A new generation is probably in our planning departments who do not remember the weather problems. The landslide area adjacent to Redwood Road and below the tennis courts subjected the traffic on Redwood Road to detours and to driving over the uplifted roadway. Several tennis courts above the road were unusable for months. The developer now plans to cut into the toe of the hillside which

removes weight which stabilized the uphill slopes. Retaining walls transfer the load to a lower toe of the slope and increase the loads in the lower areas. Careful drainage must be done.

If heavy rainstorms occur as in the 1960's and we expect that, what will happen? How about the 8-day rainfall we had in February of 1986, which caused landslides. How about the 1983 rainstorms that caused slides on Redwood Road. See Attachment "E". In February of 1976 we even had snow and ice which caused numerous accidents on Redwood Road. See Attachment "F".

7. Redwood Road traffic. The EIR presents a good detail of present day traffic count on Redwood Road and estimates traffic addition from the proposed Oakcrest Development. The EIR, however, does not address the Alameda County's plans for increased traffic on Redwood Road northerly over and from the ridge at Skyline Boulevard with destinations and arrivals via Pinehurst Road from Moraga. The Caldecott Tunnel is congested and backed up everyday as a "bottle-neck" to and from Contra Costa County. The alternate routes used by many are Fish Ranch Road, Canyon Road to Park Boulevard and Redwood Road coming from Pinehurst Road and from Castro Valley. I use this alternate route to Moraga daily and over the years have observed that County has been quietly widening shoulders, modifying curves, improving drainage ditches, adding double yellow lines and adding bicycle white lines on each side, all to accommodate more vehicles and to channel the bicycles.

When the radio traffic reporters learn of this improved route the news will spread and the use will increase immensely as the Caldecott Tunnel becomes an unacceptable route. What is the long term traffic count from the Alameda County traffic engineers on this? Why wasn't this addressed? Please include these facts.

8. General. I have encountered previous plans of our City government to develop this area and to infringe upon this single-family residential neighborhood.

8.1 In 1985 our Woodland Hill neighborhood had to take drastic concerted efforts to require the City's Recreation Department to curtail their hours of use at Pinto Park. The City was allowing two (2) baseball games each evening with crowds into and after midnight. Parties then continued into the early morning hours. In 1990 I had to take my personal time to follow-up later and insist that park hours be permanently posted. This was done by the City. See Attachment "A".

13-6

13-7

13-8

13-8

8.2 In 1986 we had to protest the proposed Athletic Club at the southeast corner of Campus Drive and Redwood Road. We had over 2,000 signatures from the surrounding neighborhood, but the City Council approved the Athletic Club anyway by a vote of 5 to 3. Fortunately, the financial package reportedly failed and a PUD development was constructed. This was the lesser of the evils.

8.3 I note that other neighborhoods in Oakland have fought increased density changes and have lost the battle. An example was the 16-unit townhouse development in West Oakland. According to the May 11, 1992 San Francisco Chronicle article by Martin Halstuk, the following quotes are attributed to Mayor Harris:

"Community input is important, but it is only advisory."

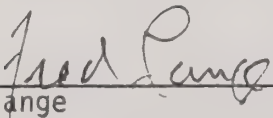
"I can understand they might be upset. Sometimes people get made when they don't get what they want. But the City followed the process. If the community has a problem, the problem is the process. We can't change the rules in the middle of the game."

13-9

9. In summary, the hill neighborhoods can be out-voted on the City Council by 5 to 3 regardless of our input. Other neighborhoods have the same problems. We must continue to build consensus and act as a combined neighborhood to maintain the single detached residential zoning of what is left of the undeveloped parcels. Please require that an alternative be included in the EIR for single-family, detached residences and we will review and endeavor to give favorable approval, depending upon the facts being stated.

10. Thank you for what you do.

Yours very truly,


Fred Lange

Margaret Lange

FL:sm
Attachments

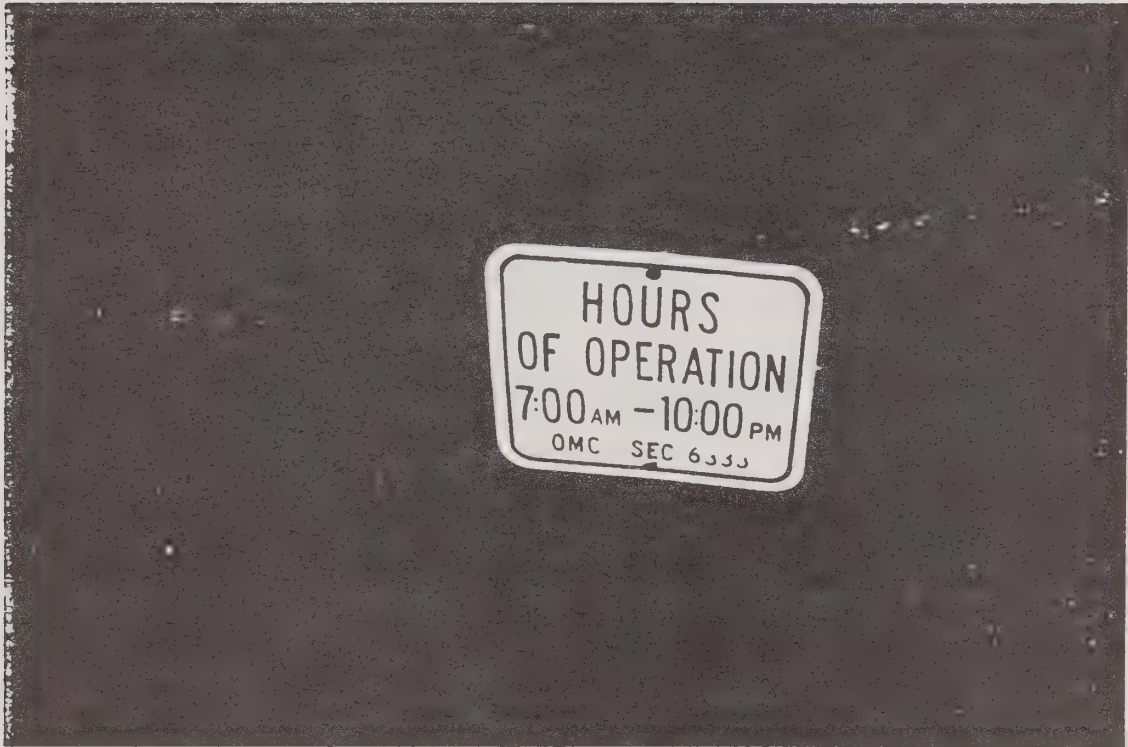
c: Dick Spees, Councilman

June 29, 1992

Attachments: (Case No. ER 88-37)

- A. Copy of photo of Pinto Park posted sign "Hours of Operation 7:00 a.m. - 10:00 p.m.".
- B. Copy of Oakland Tribune article of January 29, 1986 titled "Oakland City Council Approves Disputed Health Club in Hills, 5-3".
- C. Copy of San Francisco Chronicle article of May 11, 1992 titled "Oakland Townhouses Opposed". (2 Pages)
- D. Copy of photos showing autos parked at Pinto Park and across Redwood Road and on Crestmont Drive on a typical light day of activity at Pinto Park.
- E. Copy of Montclair newspaper article of February 25, 1986 titled "Rains Wreak Hillside Slides". (2 Pages)
- F. Copy of Oakland Tribune article of February 5, 1976 titled "Havoc in Hills - Snow Snarls Cars". (Includes photos of car accidents on Redwood Road.)

"A"



1990

DRILL
T.M.B.
1
"B"

Oakland City Council approves disputed health club in hills, 5-3

By Kathy Zimmerman
The Tribune

A controversial athletic club proposed for construction in the Oakland hills won city council approval last night despite the objections of many area residents who fought to keep the site residentially zoned.

The council, by a 5-3 vote, approved rezoning the 2.4-acre lot at the corner of Redwood Road and Campus Drive from a residential to a commercial zone to allow the developers to build the 40,000-square-foot club.

The developers had maintained that while the site was zoned for single-family homes, the development around it was typical of a commercial zone.

Residents argued that the club would aggravate parking and traffic problems. Ned Robinson, an attorney representing the residents, said 1,800 of the 2,000

homeowners in the area were opposed to the club.

David Self, an attorney for the four developers, said his clients had made many compromises to appease the neighborhood, including dropping a proposed restaurant and bar.

"These developers have done everything possible to have their project comply with every concern other than the concern that the project should not be built," Self said.

Mayor Lionel Wilson abstained from the council vote, saying he had a conflict of interest. Wilson said he plays tennis at the Oakland Hills Tennis Club and the owner of the tennis club had opposed the athletic club.

Residents were upset that Council member Carter Gilmore voted for the club after he had pledged to oppose it. The pro-

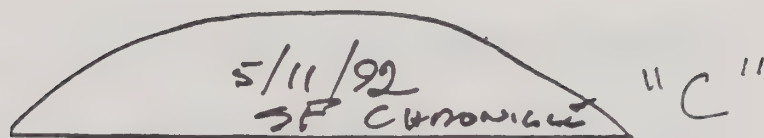
posed club is in Gilmore's district.

Gilmore said he had planned to oppose the club because he hoped housing could be built on the site instead. But he said he then learned the property had been on and off the real estate market since 1978 and it appeared highly unlikely housing would ever be built there.

Council members Mary Moore, Dick Spees and Marge Gibson voted against the club, while Gilmore, Leo Bazile, Aleta Cannon, Frank Ogawa and Wilson Riles Jr. voted for it.

Mitchell Page, one of the developers, said he hoped the neighbors eventually would support the club, which is scheduled for completion in May 1987.

"I'm very pleased," Page said. "In two years they'll love it and all this opposition will be over."



San Francisco Chronicle

AY AREA

AND CALIFORNIA

Oakland Townhouses Opposed

16-unit project is too large
for the area, residents say

By Martin Halstuk

Chronicle East Bay Bureau

Community leaders in West Oakland are crying foul over a 16-unit townhouse development that some say is being forced on their neighborhood by City Hall politicians who do not care what residents think.

"We feel betrayed," said Ellen Wyrick, president of the Oak Center Neighborhood Association. "We've been fighting for a nice, quiet neighborhood and this is something that was pushed on us. We're very upset."

The controversial project is to be located in the Oak Center redevelopment area on a three-quarter-acre lot off Adeline Street between 14th and 15th streets.

It was approved by Mayor Elihu Harris and the City Council two months ago, and construction is to start later this year.

Critics, who say the fight is not over yet, complain that the project is too large for the site and would be badly out of character for a neighborhood made up mainly of single-family homes.

Resident Ralph Scott, for example, lives across the street and fears that if the project ultimately caters to renters, "it could turn into a 'baby Acorn,'" a reference to the crime-ridden Acorn public housing project three blocks away.

"The message from City Hall is they don't care what we think," Scott said. "We're gearing up to fight this, and downtown has underestimated our resolve."

But Harris and a council majority maintain that the project won out over three rival plans because it would provide the most affordable housing. Each townhouse is expected to sell for \$160,000.

The mayor said the final choice fits the zoning and density requirements set out in the redevelopment plan for the Oak Center neighborhood.

"I don't consider 16 units high density," Harris said, adding that the main criteria used in selecting a project were design and cost.

But neighborhood opponents countered that the townhouse plan was ranked last among the four plans by the city's Redevelopment Agency, which rated them

West Oakland Residents Fight Townhouse Project

From Page A13

on cost to buyers, financing capability of the developer, project design and experience of the developer.

It was also the least favored by a review committee made up of neighborhood residents, including Wyrick.

The other three projects included one proposing eight single-family homes, ranging in price from \$229,000 to \$269,000; six duplexes costing \$285,000 each; and a mix of 17 single-family homes and condominiums, ranging in price from \$92,000 to \$285,000.

Roy Schweyer, housing manager of the Office of Community Development, said the lot is owned by the city and will be sold to the developer for \$87,000, about half its fair market value.

Some area residents said they were disappointed because City Council member Aleta Cannon, who represents their area, could not vote on the project because she lives too close to it.

Even if Cannon did not live so

close, however, she still might have a conflict of interest because she received \$1,150 in campaign contributions from the townhouse developers, the firm of Baines and Robertson. Cannon could not be reached for comment.

The only council member who voted against the proposal was Mary Moore. Her objection, she said, was that the other three developers had firm commitments for financing and the Baines and Robertson proposal did not.

"We have a long history of developments with unsecured loans going belly up, and the public ends up eating the costs when they failed," she said.

But Moore's council colleagues lined up with Harris.

"Community input is important, but it is only advisory," Harris said. "I can understand they might be upset. Sometimes people get mad when they don't get what they want. But the city followed the process. If the community has a problem, the problem is with the process. We can't change the rules in the middle of the game."

"D"



" E "

Rains Wreak Hillside Slide

Some roads closed, but no homes are lost

by Alice M. Nagle
The Montclairion

Last week's eight-day rainstorm brought mud and water streaming down Oakland hills, breaking pipes and fences and taking one home's patio for a ride.

Mud slipped around homes near Snake Road and Armour Drive, where residents are still weary from 1982 storms which took six eventually-demolished houses down the hill. But the slide itself is not moving, according to Alberto Lenzini, deputy director of the Office of Public Works.

"We're mostly afraid of Armour Drive which pulls down our hill," said Tina Harrington, who lives below Armour Drive next door to a hill that lost its path, plants and blackberry bushes in last week's storm. There is now a muddy stream flowing down her driveway. "It's not as bad this time because there aren't any trees left (from the '82 slides)."

Harrington's home is protected by a wooden fence which keeps falling down and "we just keep rebuilding," she said.

A home on Ney Avenue lost its patio and two homes on Estates Drive were pooled with mud. "It's not damaging the houses yet, but it may if we have more rain," Lenzini said.

Melrose Baptist Church on Campus Drive had its water shut off because pipes were shifting and leaking due to the heavy rain, according to the church secretary



Heavy rains added to the erosion on this cliffside along Snake Road near Armour Drive

Artys Frans. "The ground's soaked up water and it's causing the pipes to move and leaking on the hill," she said. The pipes for the water hydrants were turned off because they were "springing fountains" by the church, she said.

There were also mud slides on Old Redwood Road across the street from the Oakland Hills Tennis Club. Owner Jim Thompson said his club may have been spared because the city just installed horizontal drainage pipes

after the 1982 storm. But the club did have "our windscreens blown down, a glass shade blow off a light and one of the domes come off one of our heaters," Thompson said.

"It's also been a different storm this year," according to Thompson. "In 1983, we had a long winter with lots of saturation topped off by a hard rain. Now it's just one isolated rainstorm."

A mud slide closed Claremont Avenue, between Alvarado Road

and Grizzly Peak Boulevard a day last week.

Erosion was also reported on Skyline Boulevard and Brimley Terrace, Tunnel Road, Ingroom Court, Thorndale and Melville Drive, according to Lenzini.

No sandbagging was used to hold dirt in place, but the city had two road clearing crews, two trucks per crew, and one crew, with 15 trucks, to clear

See RAINS on b1

Rains...

Continued from front page

rocks, mud and branches, Lanzini said.

"Now we have to keep the roads cleared and respond to any more complaints about damage," said Public Works Director Terry Roberts.

The City Council made an emergency declaration last week because of the rain damage and is requesting a state declaration, according to Roberts.

"(The situation) is not something we can't handle, like Napa," Roberts said. "We just want to get on the record locally to allow us to qualify for emergency funds and low-interest loans."

Muriel Schnayer, who has lived in near Snake Road and Armour Drive for 23 years, said, "You just have to learn to live with it. The whole area is vulnerable ... it's been going on so long you almost take it for granted."

"You just don't trust the rain," Harrington said. "And you don't do stupid things like sleep in the back of the house."

"We're all holding our breath because anything could happen," said Art Lehman, who lives near Sheperd Canyon Road, where there were falling trees and muddy roads during the storm.

Things could still happen, even though the rain has ceased, according to John R. Ward, a national expert on landslides and foundation damage and vice president of Ward Construction, Inc. in Danville. Because the ground is seeping with water after last week's storm, even a light rain could trigger big damage, he said.

Warning signs, according to Ward, include an exterior door that suddenly becomes difficult to open, which can mean the foundation is shifting; sudden cracking in the walls of the house or pulling apart at a corner; and large amounts of water under a house. Storms can also accentuate existing problems, such as poor drainage. If nothing else, "they suddenly bring the need for repair to the homeowner's attention," Ward said.



Last week's storm sent a 115-foot Monterey Pine crashing through the center of Jim Banning Drive home in the middle of the night. McNeill first called 911, and then, after his paralyzed dog, attempted in vain to exit through what was formerly his before eventually making a safe escape out the house's back entrance. The damage to McNeill's bathroom illustrates the force with which the toppling tree slashed through

Enjoying wild weather, Grant Mohr, 5, (left) and brother Greg, 7, hurl snowballs in their yard at 670 Via Potrero, San Lorenzo

FEB 5, 1976 OAKLAND TRIBUNE

Havoc in Hills — Snow Snarls Cars

Snow brought havoc to Eastbay hills today, icing pavements, causing dozens of accidents, closing streets and stranding motorists.

"It is real bad," said Oakland Police Sgt. Robert Hendricks, who commanded the department's radio room as a steady stream of calls came in from hard-pressed officers handling the accidents.

Two main arterials to the Claremont district were closed, Joaquin Miller Road between Skyline and Mountain boulevards and

Redwood Road, where 10 cars piled up between Skyline and Campus Drive. Snake Road and Colton Boulevard also were closed.

Skyline High School was closed but Merritt College remained open.

Early today, two main arterials to the Claremont district were closed, Joaquin Miller Road between Skyline and Mountain boulevards and Redwood Road, where 10 cars piled up between Skyline and Campus Drive. Snake Road and Colton Boulevard also were closed.

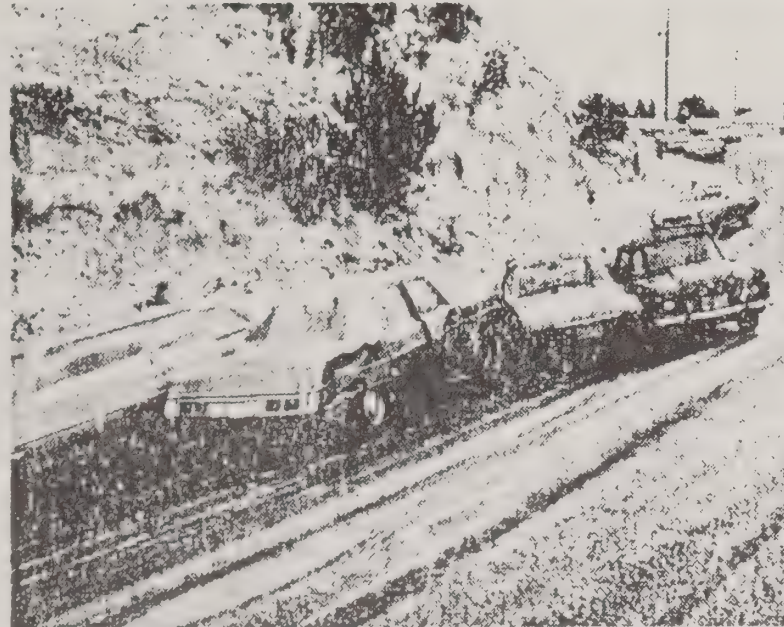
At 7 a.m., 14 Oakland city trucks started pouring sand on the icy pavement and all streets were open by 10:20 a.m. Bus service in the hill areas, curtailed earlier, was restored by 9:50 a.m.

Their police cars halted by icy roads, officers walked to the scene of an accident at Crestmont and Rishell drives.

Oakland police officials took their motorcycles out of service and put officers in cars with chains or snow tires.

The Benicia bridge was closed southbound for several hours after two trucks jackknifed at about 6:30 a.m. Later in the morning, California Highway Patrol offi-

Continued Back Page, Col. 1



Tribune photo by BILL CROUCH

SKIDDING CARS PILE UP ON REDWOOD ROAD BELOW SKYLINE
Police officers moved from accident to accident (More pictures, Page 9)

tensive burns. However, Stan Zasky said they account for three work- by the dead men.

d them as pipefitters Itay 239 Gleason Ave., Vallejo, Simmons, 54, of Colma, er Raymond P. Moriarity, il St., Oakland.

ntification will require use rds, the coroner's office

ere called to the ship at security guard. They were the conflagration under at an hour.

d firemen in trying 'to n in the hold.

the bodies of two of his were found as firemen aze under control. Because and debris, the third body ured until about 10:30 p.m. ere apparently overcome ore they could escape the en said.

aid there was extensive midsection cargo area.

Doctors d Strike

ELES (AP)—Physicians e increases in malpractice niums have voted to end a wn here and were to go as usual starting today.

ctors warned that unless islature acts quickly to oblem, "next time every- t."

lay, The United Physicians hich spearheaded the to end the slowdown even or issues in the controver- solved

an did not prevent anyone ; necessary medical care. es were shunted to eight

Watched the Robbery

First Hearst Witness

By BILL BANCROFT

The first witness in the trial of Patricia Hearst described today how he watched members of the so-called "Symbionese Liberation Army" walk into the Hibernia Bank branch, waving weapons and shouting orders.

James Smith, manager of the bank's Sunset branch, did not specifically identify Miss Hearst as a robber.

He said he was in the mezzanine of the bank, in the coffee room, when he heard "a ruckus." At first, he said, he thought it was the sound of a mother telling a child to behave.

Smith said he watched the robbery

that recorded the robbery also would show the location of the person.

Miss Hearst is said to have been the person photographed at that location.

During Smith's testimony, Miss Hearst sat nearby looking serious. She was wearing a bright and multicolored knee-length print dress.

The sawed-off military carbine Miss

Continued Back Page, Col. 3

Watergate Judge Strickland

Epidemic Fear In Guatemala

GUATEMALA CITY (AP)—The government, fearing an epidemic, today urged Guatemalans to forego legalities and immediately bury the estimated 2,000 dead from yesterday's earthquake.

Hundreds of thinly covered corpses were stacked in the streets and coffin-makers said they were running short of wood.

Picture, Page 4

American tourists returning to Miami from Guatemala City said the quake felt like "we were going down a huge coffee grinder" and "like a huge train at full speed hit our room."

Residents of poor districts in the city said they had neither the time nor the means to bury their relatives as they sifted through the rubble of their shattered homes in search of the missing

Continued Back Page, Col.

COMMENT LETTER 13

Fred Lange

Response 13-1 The proposed project would be required to adhere to the City of Oakland Tree Preservation Ordinance, contained in Municipal Code Chapter 7, Article 6. The reader is directed to Response to Comment 5-1 for an extended discussion of this topic.

The proposed project's potential disruption of wildlife species currently occupying or visiting the project site is addressed under Impact 4.4-4, page 4.4-9.

The proposed site is zoned R-30 in the City of Oakland Zoning Regulations, which allows a maximum building height of 30 feet, not 40 feet as stated in the comment. The proposed structures would meet this building height requirement. However, as discussed on EIR page 4.4-6, due to the steepness of the site and the surrounding area, proposed structures might appear taller than 30 feet from adjacent streets.

A typographical error occurred on page 4.6-6, where height limit and proposed building heights were stated to be 35 ft.; paragraph two on page 4.6-6 is hereby revised to read "30" where currently the number "35" occurs.

The potential impacts of the proposed project on visual quality in the project area are discussed in Section 4.6 of the EIR. That the proposed designs are considered "not attractive, regardless or architectural ornamentation," is the personal opinion of the person commenting.

Response 13-2 Response to Comment 10-10 provides modifications to Project Alternative Three, intended to reduce or eliminate potential impacts to the oak trees on the project site. Additional information on oak tree preservation is provided in Response to Comment 5-1.

Response 13-3 At present, on-street parking is permitted without restriction on both sides of Crestmont Drive in the vicinity of the proposed project, and on-street parking occupancy is relatively low throughout the day. The proposed project, as shown in Table 4.5-5, would have a parking surplus of 22 spaces at the upper portion of the site and a parking deficit of up to nine spaces at the lower portion of the site. This parking deficit could likely be accommodated along Crestmont Drive near the lower access road, and would have a negligible effect on parking occupancy levels. Page 4.5-16 of the DEIR indicates that the deficit visitor parking spaces in the lower portion of the site could be accommodated on-street. The DEIR analysis indicates that the remaining five space deficit could not be accommodated by the proposed project without additional environmental impacts to oak trees, or a redesign of the PUD site plan. The project sponsor has proposed a modification to Alternative Three, which, although primarily intended to reduce project impacts to oak trees, would also reduce the project parking deficit (see Response to Comment 10-10).

The Pinto Playground, located adjacent to the intersection of Redwood Road/Crestmont Drive, does not provide parking for park users. As noted in the comment, when organized activities occur at the park, those park users who drive often park their cars on the nearest available streets, including Crestmont Drive, Campus Drive and Sereno Circle and Kingwood Road. Although increased on-street parking may not be appreciated by residents in the area, the availability of parking during peak use times is not considered to be significantly impacted.

As discussed under Impact 4.5-4, the existing street geometry and sight distances in the location of the proposed lower access road are at present insufficient to allow safe left turn movements from the lower access road onto Crestmont Drive. Implementation of Mitigation Measure 4.5-4 would reduce this potentially significant impact to a less than significant level. Casual observation shows that drivers along this segment of Crestmont Drive travel at or above the posted speed limit. For this reason, the following improvement measure, although not intended to mitigate a specific significant impact, would improve conditions in the project

area and has been added to the EIR (see Response to Comment 10-1): Speed bumps, speed attenuation and/or speed undulation devises should be installed on Crestmont Drive for eastbound traffic west of Westfield Way and between the two Samaria Lane/Crestmont Drive intersections.

- Response 13-4 Alternative 3B, described and analyzed in Response to Comment 10-10, would not require approval of a Planned Unit Development and would include only detached single family dwellings. For further details on Alternative 3B, a single-family development strategy, please refer to Response to Comment 10-10.
- Response 13-5 The comment is noted. The issue raised in the comment concerns public policy, and should be considered by the City Planning Commission during their review of the Planned Unit Development (PUD) application for the proposed project.
- Response 13-6 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 13-7 The comment accurately describes an alternative route increasingly used by commuters from Contra Costa County. The comment is inaccurate, however, in describing this as a planned effort on the part of Alameda County.¹ Alameda County has no plans for widening Redwood Road between Skyline Boulevard and Pinehurst Road; rather, the roadway improvements currently underway, including stripping and shoulder construction, are intended to increase roadway safety.

The County indicates that currently, and under future conditions, this segment of Redwood Road will operate with reserve capacity, and not experience congestion. The primary concern the County has for this segment of Redwood Road has to do with an increasing number of recreational bicycle riders. The County would

¹ Robert Preston, Traffic Engineer, Alameda County Public Works Agency, telephone communication, July 31, 1992.

like to widen the roadway shoulder to provide a Class II bikeway, although the current County General Plan does not, at present, include this designation.

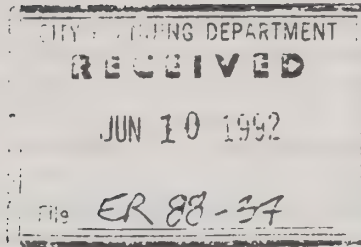
Response 13-8 The comment is noted. The commenter should be aware that California State law affords a high value to public involvement in the environmental review process. For example, CEQA Guidelines Section 15201 states: "Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities."

Response 13-9 Please refer to Response to Comment 10-10.

LETTER 14

Mr. Nixon Lam
City Planning Department
1330 Broadway, Suite 310
Oakland, California 94612

Re: ALBANESE, Frank
ER88-37 (PUD 88-367)



June 19, 1992

Dear Mr. Lam:

I am writing to express my strong opposition to the 32 unit residential Planned Unit Development near the intersection of Redwood Road and Crestmont Drive.

1. I live at the intersection of Crestmont Drive and Samaria Drive, therefore I would be severely impacted by the development and construction process. The anticipated 24 to 36 months of daily noise, dust and traffic created by the construction process would be extremely disruptive to my family's personal life for the duration of the construction.

2. The planned project would decimate a wildlife habitat for a variety of animals ranging from a family of deer through rabbits, hawks and the ecosystem that sustains these animals. In light of the nation's and the world's commitment to cease the destruction of wildlife habitat, it is not reasonable for our City to pursue development in an area that is currently open space and inhabited by wildlife. Oakland is an excellent example of an urban center that is able to balance the amenities of urban living with the beauty of a semi-rural setting. Continuation of a policy of destroying wildlife habitat will further impair Oakland's reputation as a place for establishing and raising a family.

There should be a moratorium on development in this area until a plan is established to prevent further destruction of wildlife areas and displacement of native wildlife.

3. The planned project would severely impact one a stand of coastal oak trees. The Draft Environmental Impact Report (DEIR) even goes so far as to imply that the project may destroy this stand of trees. In light of the fact that these trees are the namesake of our City, Oakland should demonstrate a strong commitment to the retention and even the propagation of these trees. It would be an unreasonable exercise of power to destroy trees that are 75 to 100 years old in the name of development.

Furthermore, the legacy of redwood deforestation on the Oakland hillsides has left behind a hillside that is susceptible to erosion. Further development will increase erosion and lead to destabilization of the soil. This could undermine the soil for uphill structures causing landslides and loss of property.

There should be a moratorium on development until a plan is implemented to retain this stand of Coastal Oak trees and a plan is implemented to reestablishing a large Oak tree population in Oakland.

There should be a moratorium on development until soil studies clearly establish that further development will not endanger existing structures that may be undermined by deforestation and excavation.

4. The plan would severely impact traffic on Redwood Road, Crestmont Drive and Samaria.

14-1

14-2

14-3

14-4

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14-7

The proposed intersection will create an unacceptable hazard for local residents and others who use Crestmont Drive. The proposed Crestmont Drive - Samaria Drive intersection lies at the base of a steep incline immediately following a blind curve when traveling south along Crestmont Drive. The blind curve is also the crest of a blind incline which requires significant speed to climb. Placing a stop sign at the base of a blind curve following a blind incline requiring significant speed to climb is an invitation to significant accidents. People legally stopped at the sign will be rear-ended. People entering and leaving the proposed development and Samaria will be broadsided.

The proposed development will increase traffic along Redwood Road to a dangerous level. Since the completion of the DEIR at least 3 major developments have been completed, all of which have had a severe impact on congestion on Redwood Road and 35th Avenue. Montebello Terrace, Ridgemont, Kingwood Drive and the newest project at the intersection of Campus and Redwood Drive have added several hundred vehicles to Redwood Drive over the past two years. Construction continues at Montebello Terrace, Kingwood Drive and Ridgemont. Furthermore, the Oakland Hills Tennis Club recently completed expansion of their facilities on Redwood Drive. That project has also added traffic to Redwood Drive. The additional traffic and new intersections when combined with the steep, winding nature of Redwood Drive have made this road extremely hazardous for people coming down the hill, as well as people attempting to enter and exit these developments.

Additional development will only increase an already hazardous traffic situation. There should be a moratorium on additional development until an up to date, comprehensive traffic mitigation plan is implemented to abate current and anticipated hazards.

14-8

5. The project would add additional students to a severely overcrowded local school system. At the beginning of 1990, Carl Munck School was already overcrowded. It is my understanding that the school auditorium has been converted to a library because the library had to be converted to a classroom. The continued development at Montebello Terrace, Kingwood Drive, Ridgemont and elsewhere has exacerbated an already critical situation. My child is scheduled to begin her school years at Carl Munck in September of 1992. As the situation is already abysmal it is inconceivable to me, as a parent, to allow a developer to hurt my child's chances to obtain a decent education simply to line his pockets with more money.

If you are a parent, I am sure that you understand my concern. Current average classroom size exceeds 31 students per class. This is far in excess of the recommended class size of 25 and the optimal class size of 21 students per class. The current situation at Munck is so critical that the auditorium stage has already been converted to a library because the library had to be converted to classroom. A proposal is being circulated to convert the teacher's meeting room to an additional classroom. These stop gap measures are being implemented before the Ridgemont, Kingwood and Montebello Terrace projects are completed and before the Campus/Redwood project sold out. It makes absolutely no sense to increase the potential student population in the face of a school that is already overcrowded.

To add insult to injury, the developer's cavalier proposal to give the school district a minimal sum of money to help build a trailer is rude, insensitive and shows that this developer's children will not be forced to learn his ABC's in an overcrowded, ill-designed motorhome that was converted to temporary use as a classroom.

A city that is struggling to provide its students with a decent education should not set its sights so low as to allow a developer to make hundreds of thousands of dollars while its students are forced to walk in the rain to use a substandard library. This is not simply a question that should be addressed by the school district. It is a question about the future of this neighborhood, the City of Oakland and the future of its citizens. The question of how we educate our children should not be left to the selfish ends of developers who are not using the Oakland schools to educate their children.

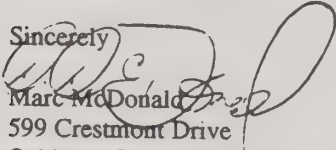
There should be a moratorium on development in this area until adequate educational facilities are completed for local students who already reside in the area. This includes adequate space, equipment and trained personnel to provide the first class educational environment that our children deserve.

14-8

In closing, I have many strong objections to proposed development at the intersection of Redwood and Crestmont Roads. These objections involve preservation of open space, wildlife preservation, protection of remaining native flora and fauna, protection from hazardous traffic conditions, quality of life, Oakland's image as a good place to raise a family, and the impact this project will have on my child's education. I will continue to raise the strongest objections available to me until my concerns have been addressed to my satisfaction. Until those objections have been satisfied, I will continue to urge the Planning Commission to implement a moratorium on development in this area.

14-9

Sincerely


Marc McDonald
599 Crestmont Drive
Oakland, CA. 94619

COMMENT LETTER 14

Marc McDonald

Response 14-1 The Initial Study for the proposed project, included as Appendix A of the DEIR, determined that the proposed project would not result in substantial air emissions, deterioration of ambient air quality or the creation of objectionable odors, and that air quality need not be addressed in the EIR.

This determination was based on the size of the project and the limited number of project vehicle trips anticipated. The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds are based on the minimum size projects which the District considers capable of producing air quality problems (the BAAQMD was sent a copy of the December 5, 1988 Notice of Preparation of a Draft Environmental Impact Report for the proposed project; no response from the BAAQMD was received by the Department of City Planning). The project would not exceed the minimum standard. Therefore, no significant air quality impacts would be generated by project completion and operation.

In addition to the fact the proposed project would not generate significant CO emissions, CO emissions in the vicinity of the project are expected to decline in the future due to a number of factors. As newer, cleaner vehicles replace older vehicles with higher emissions, overall CO emissions in the Bay Area and at localized intersections will decline. The use of oxygenated fuels, a requirement under the 1990 federal Clean Air Act Amendments, and transportation control measures (TCMs) implemented as a result of the Bay Area 1991 Clean Air Plan will further result in reduced CO levels. Carbon monoxide emissions are estimated to decline by 35 percent between 1987 and 1997 and an additional 10 percent between 1997 and 2000 with no new controls. Oxygenated fuels are expected to reduce CO by an additional 12 percent. In combination, Federal and State regulations to reduce emissions of CO are expected to result in the Bay Area achieving attainment of the State CO standards by the mid-1990s.

Clearing, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces, generate dust. It is not possible to estimate accurately the PM_{10} concentration that would occur at or adjacent to the construction site because such concentrations are very sensitive to local meteorology and topography, to variations in soil silt and moisture content, and to the level of equipment use. However, Environmental Protection Agency measurements made during apartment and shopping center construction provide a rough indication of the maximum rate of particulate emissions. These measurements indicate that approximately 1.2 tons of dust are emitted per acre per month of construction activity.² Approximately one-half of the dust would be comprised of large particles (i.e., diameter greater than 10 microns) which settle out rapidly on nearby horizontal surfaces and are easily filtered by human breathing passages. This dust is of concern as a soiling nuisance rather than a health hazard. The remaining fraction (PM_{10}) would be sufficient to violate the federal and State PM_{10} standards in the vicinity. Monitoring data collected by the BAAQMD indicates that four violations of the standard for fine particulate matter (PM_{10}) occurred in 1990 at the San Leandro County Hospital monitoring station, the closest station to the project site measuring PM_{10} .

In the BAAQMD guidelines, Test 3 for significance compares project emissions to air contaminant emissions levels considered significant (Best Available Control Technology (BACT) Threshold Levels). The BACT Threshold Level for particulates is 150 lbs/day. Assuming construction activities would occur 20 days per month, the EPA emission factor of 1.2 tons/acre/month would translate to 120 lbs/acre/day. Therefore, construction activities on 1.25 or more acres of land would constitute an exceedance of the BACT Threshold Level and would be a temporary significant air quality impact.

Construction vehicles and equipment would temporarily emit air pollutants at the construction sites. Large numbers of such vehicle and equipment operating or

² *Air Quality and Urban Development*, BAAQMD, November 1985, p. VI-19.

idling in a small area may cause spot violations of the CO standards. Odors of construction equipment exhaust would probably be noticeable in the environs of the project site for the duration of the construction.

As described above, the ground preparation associated with the project would contribute temporarily to local PM₁₀ emissions. While emissions from construction at the site alone would not result in a significant impact, such emissions may lead to an increase in frequency of particulate standard violations. The following mitigation measure for the reduction of PM₁₀ during ground preparation is therefore added to the EIR on page 4.2-13:

"To reduce the potential for nuisance due to dust and odors, all construction contracts should require dust and odor controls. These controls should include twice daily watering of exposed construction areas during excavation grading and other construction activities. Street surfaces on-site, Crestmont Drive and Redwood Road should be cleaned on a daily basis at the end of the work day. Haul trucks, when in transit, should be covered to reduce dust emissions. Unnecessary idling of construction vehicles should be avoided to reduce odor and CO emissions."

Conditions of approval would require watering twice daily with complete site coverage. The frequency of watering would increase if wind speeds exceed 15 mph. Dust emissions related to construction can be reduced approximately 50 percent by watering exposed earth surfaces during excavation, grading and construction activities.³

Conditions of approval would also require daily cleanup of mud and dust carried onto the street surfaces by construction vehicles. Throughout construction activities, haul trucks would use tarpaulins or other effective covers. Upon completion of construction, contractors should take measures to reduce wind erosion. Replanting and repaving should be completed as soon as possible.

³ *Compilation of Air Pollutant Emission Factors*, U.S. Environmental Protection Agency, AP-42, Third Edition, August 1977, p.11.2.4-1.

Construction activities should be scheduled so that they do not contribute to peak periods of vehicular traffic, previously discussed as a major contributor to PM₁₀ exceedances. To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment should be avoided.

Potential construction noise impacts associated with construction of the proposed project are addressed in EIR section 4.9, Noise.

- Response 14-2 Wildlife habitat destruction resulting from implementation of the proposed project is addressed in EIR Chapter 4.4, Vegetation and Wildlife, specifically Impact 4.4-4. The policy issues raised in the comment, while not addressing specific issues contained in the Draft EIR, are valid concerns which can be considered by the City Planning Commission as part of their review of the Planned Unit Development (PUD) application for the project. It is outside the purview of the Draft EIR to require a development moratorium prior to the establishment of a wildlife preservation plan.
- Response 14-3 The comment is noted. The reader is referred to Response to Comment 5-1 which discusses how the City of Oakland's Tree Preservation Ordinance would affect the proposed project.
- Response 14-4 Please refer to Responses to Comments 5-1 and 10-13, which respectively discuss the issues of oak tree removal and geotechnical considerations of site development.
- Response 14-5 The project sponsor has proposed a modification to Project Alternative Three intended to reduce the number of oak trees planned for removal; this alternative is discussed in more detail in Response to Comment 10-10. It is beyond the scope of the Oakcrest Planned Unit Development EIR to require that a moratorium on development be implemented pending a citywide oak tree revegetation plan. Nevertheless, the reader may find that some the concerns expressed in the

comment are addressed in the City of Oakland's Tree Preservation Ordinance, which specifically addresses the need for preservation of oak trees in Oakland.⁴ Again, please refer to Response to Comment 5-1 which discusses the issue of oak tree removal.

Response 14-6 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

Response 14-7 The comment provides a generally accurate description of the roadway geometry of Crestmont Road, between Westfield Way and Redwood Road. However, it appears that the commenter has misinterpreted the recommended circulation mitigation measures illustrated in Figure 4.5-2, page 4.5-14. Vehicles travelling along Crestmont Drive in the location of Samaria Lane and the proposed lower access road *would not* be required to stop prior to reaching Redwood Road; the R1 Stop Sign shown in Figure 4.5-2 is intended for vehicles exiting the proposed project's lower access road.

It should be noted that vehicles travelling eastward on Crestmont Drive between the two points where Samaria Lane intersects Crestmont Drive, do not have safe sightlines to the eastern Samaria Lane/Crestmont Drive intersection. The lower access road, being on the opposite side of the street at this location, would be visible to eastbound traffic, thereby reducing the potential conflicts that currently exist.

The Traffic and Circulation section of the EIR does take into account other developments in the project area, and the combined or cumulative effects on traffic conditions. It was determined during preparation of the Initial Study for the proposed project that only the intersection of Redwood Road/Crestmont Drive should be evaluated for project and cumulative impacts. Under existing plus

⁴ A copy of the Ordinance may be obtained from the City Clerk, 505 14th Street, Suite #609, Oakland, CA. For more information, please contact the Tree Section of the Office of Parks and Recreation at (510) 238-3151.

project and cumulative year 2000 conditions, this intersection would continue operating at Level of Service (LOS) A, considered the best operating condition.

The observation that a "hazardous traffic situation" currently exists in the project area is not supported by the data, and this EIR cannot recommend a development moratorium or a comprehensive traffic mitigation plan. Casual observation of project area traffic does suggest, however, that drivers along Redwood Road and Crestmont Drive in the vicinity of the proposed project, generally drive at or above the posted speed limit, creating a potentially unsafe condition. For this reason, improvement measures are recommended for these roads; please refer to Responses to Comments 3-4, 10-1, 14-7 and 16-2, for additional discussion of project area traffic concerns, and recommended improvement measures.

Response 14-8 The Carl B. Munck Elementary School is one of many schools in the Oakland Unified School District (OUSD) experiencing overcrowded conditions. This situation has resulted in the need to install portable classroom units and convert non-classroom space, such as the library, to classrooms uses. The OUSD allocates its funds throughout the district, with emphasis on those schools with the greatest needs. The school impact development fee of approximately \$117,110.00, which would be levied on the Oakcrest project sponsor as a condition of project approval, would contribute to the District's general fund and be allocated accordingly.

The target student-to-teacher ratio in the OUSD is 31:1 for grades 4-6, 30:1 for grades 1-3, and 27:1 for kindergarten; these ratios are currently being met at the Carl B. Munck Elementary School, albeit by the use of two portable classrooms and converted non-classroom spaces.⁵ It could be argued that the OUSD student-to-teacher ratio is too high, but this would not be an appropriate forum for such a debate.

⁵ Robert Long, Director of Planning, Oakland Unified School District, telephone communication, July 31, 1992.

The comment is correct that as recent residential developments in the project area become occupied, the student population (and the potentially overcrowded conditions) at the Carl B. Munck Elementary School will continue to grow. The EIR has identified the potential school impacts associated with the proposed development, and included as a Mitigation Measure the District's requirement that a school impact development fee be imposed on the developer based on the square footage of proposed residential uses. Once provided with this information, the City Planning Commission must determine if the EIR fulfills all procedural requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the applicable sections of the City of Oakland Municipal Code. The EIR for the proposed Oakcrest project cannot require that a development moratorium be imposed as requested in the comment. Please refer to Response to Comment 12-4 for additional discussion of this topic.

Response 14-9 The substantive issues raised in the comment have been addressed in the preceding Responses to Comments for Comment Letter #14. As noted above, it is beyond the scope of this EIR to require that development moratoria be imposed in the project area.

LETTER 15

Nixon Lam, Assistant Planner
City Planning Commission
City Planning Department
One City Hall Plaza
Oakland, CA 94612

Dear Mr. Lam

I want to comment on the Oakcrest Planned Unit Development at Redwood Road and Crestmont in Oakland. I am particularly concerned about the 32 coast live oaks on the corner. This portion of the development should not be disturbed and should be left for open space or a carefully designed public park/picnic area. Thank you for your attention and consideration.

15-1

Sincerely:



ER 88-37

48 Kingston Rd.
Oakland, CA 94612

COMMENT LETTER 15
Ruben Peterson

Response 15-1 The requirements of the Tree Preservation Ordinance as they apply to the proposed project are discussed in Response to Comment 5-1. The project sponsor has proposed a modification to Project Alternative Three intended to reduce the number of oak trees planned for removal; this alternative is discussed in more detail in Response to Comment 10-10. Under this modified alternative, the oak knoll could be developed as an open space area, possibly as a tot-lot.

LETTER 16

31 Kingwood Road
Oakland, CA 94619

June 5, 1992

Oakland Planning Commission
City of Oakland Planning Department
One City Hall Plaza
Oakland, CA 94612
Attention: Nixon Lam, Assistant Planner

Dear Planning Commission:

Because I will be directly impacted by the Oakcrest Planned Unit Development, I have reviewed the Draft Environmental Impact Report (DEIR) and urge the Planning Commission not to approve the PUD as described.

16-1

The proposed townhouse and single family home mix includes too many residences for the location. The property is extremely steep and subject to landslide and earthquake hazards. The proposed grading, road configuration and residential density is not suitable for this parcel.

Of immediate concern is traffic safety at the Crestmont/Kingwood intersection that will be compounded by construction of a road entering Crestmont across from Samaria Lane. Because the access road is to be built on a blind turn, a left-hand turn onto Kingwood will become even more difficult. To add to the problem, an eight car project parking deficiency is to be mitigated by on-street parking.

16-2

Because I drive on upper Redwood Road almost every day, I am concerned about the entrance to the upper project. No left-hand turn-out lane in the median will be provided. New residents going up Redwood will be required to go past the project, almost up to the top of the hill, turn and come back down to access the entrance road. Because the first turn-out is at the Tennis Club, most will be making a U turn on a steep hill at the Tennis Club driveway where there is no stop light.

16-3

The oak woodland west of Redwood Road has been dramatically reduced by recent development. The City of Oakland's Oak Tree Ordinance has protected the remaining oaks in the area. The 32 coastal live oaks on the development site are estimated to be 75 to 100 years old. The DEIR proposes to remove most of these oaks to accommodate 10 townhouse units. Cutting the trees and building townhouses at the corner of Crestmont will dramatically change the attractiveness and livability of the neighborhood.

16-4

- 16-5 [The project will require mass grading. The DEIR proposes that 8,000 cubic yards of dirt be moved. The grading will eliminate existing drainage patterns on the hill. The permanent visual impact of the grading as seen from the front of my house will be unfortunate.
- 16-6 [Perhaps more serious are the potential long-term consequences of the project. The DEIR states that the circulation system and the excessively steep roads are inadequate for emergency vehicle access. The City's Principal Civil Engineer, Vernon H. Sullivan, warned of the known instability of the soil in a 1989 memo.
- 16-7 [Approximately 24 of the 32 proposed units will be affected by poor slope stability, soil creep and soil erosion. Many of the homes will be constructed on steep sheared serpentine and will be prone to landslides. Even the best engineered projects on this hill have been subject to two major slides in the past thirty years.
- 16-8 [The upper project site is very steep. The roadway incline exceeds the limits for city streets. The DEIR suggests that the road will be constructed from fill cut away from the hillside. The fill will be supported by a concrete retaining wall 4 to 13 feet high running the entire length of the upper road. If this roadway should fail, disaster evacuation would be impossible. The city should carefully consider taking on the responsibility for the roads in this project.
- 16-9 [The DEIR anticipates that 13 elementary school children generated by the project would require one-third of a portable classroom at Carl Munck Elementary School. The school's capacity is 350 students, the DEIR uses October 1990 current enrollment of 455, and the school district projects September 1992 enrollment of 532. The DEIR does not consider the expense of associated school equipment, supplies and teaching staff.
- 16-10 [The proposed project would increase the demand on the city's park and recreation resources. Most of the Pinto Recreation Area, located east of the project site, is taken up by the Owen C. Jones Field which is used for softball and soccer on a reservation basis. During the baseball and soccer season, Redwood Heights residents are unable to use most of the park for passive recreational activities. Additional public neighborhood park facilities should be included in the development plan.
- 16-11 [To mitigate some of the safety hazards and environmental damage this project will bring to the neighborhood, the City of Oakland should require that the developer reduce the density of the project. Density reduction is recommended in the DEIR, but Alternative Three, does not adequately address the landslide hazard issue nor does it provide public access to proposed park facilities.

Based on conversations I have had with neighbors on Kingwood Road and Samaria Lane, the density, traffic safety and oak preservation are of great concern. I appreciate the opportunity to comment on the DEIR and will follow the proceedings of the Planning Commission public hearing with interest. I also look forward to reviewing the final EIR when it is available.

16-12

Sincerely,


Susan E. Williams

OAKLAND PLANNING COMMISSION JULY 22, 1992
OAKCREST PLANNED UNIT DEVELOPMENT

GOOD EVENING.

BECAUSE THE OAKCREST PLANNED UNIT DEVELOPMENT DRAFT EIR DOES NOT ADEQUATELY DESCRIBE STABILITY PROBLEMS NEAR THE PROPOSED PROJECT SITE, I WOULD LIKE TO TELL YOU ABOUT SOME OF THE LANDSLIDES THAT HAVE OCCURRED ON SHEARED SERPENTINE IN THE AREA. I QUOTE FROM THE OAKLAND TRIBUNE, THE MONTCLARIAN AND THE RECORDS OF THE OAKLAND ENGINEERING DEPARTMENT.

16-13

1. AT THE END OF MARCH 1958, 21 PEOPLE FLED THEIR HOMES DUE TO A LARGE SLIDE IN THE CRESTMONT TRACT. SEVEN HOMES ON VAN CLEAVE WAY WERE EFFECTED. NUMBER 79 DROPPED 100 FEET DOWN THE HILL. NUMBERS 71 AND 85 WERE DESTROYED AND NUMBERS 59, 63, 89 AND 93 WERE EVACUATED. THE ENGINEERING REPORT PREPARED TWO YEARS PRIOR ASSURED THE DEVELOPER THAT CONSTRUCTION COULD OCCUR USING ACCEPTED ENGINEERING PRACTICES. THE REPORTS STATES: IT IS OUR OPINION THAT THE SUBJECT FILLS ARE SUITABLE FOR SUPPORTING HOUSES, STREETS AND OTHER CONSTRUCTION COMMON TO RESIDENTIAL AREAS.

THE ATTACHED COLOR PHOTOGRAPH OF THE SLIDE APPEARED IN THE APRIL 1958 SATURDAY EVENING POST. A 300 FOOT WIDE AVALANCHE OF MUD DECENDED THE HILL DESTROYING THE HOME OF THEN STATE ASSEMBLY SPEAKER L. H. LINCOLN AT 4000 REDWOOD ROAD. THE LOSS WAS ESTIMATED AT \$100,000. THE LANDSLIDE DESTROYED AN AREA LARGER THAN THE PROPOSED OAKCREST PROJECT SITE.

2. IN JANUARY 1960, JUST BEFORE DAWN, A MUD AND ROCK SLIDE CARRIED AWAY THE BACK YARDS OF 129 AND 137 COLGETT DRIVE. THE SLIDE BLOCKED CRESTMONT ROAD BELOW WITH A MUD WALL TWO FEET THICK. THE SLIDE CONTINUED TWO BLOCKS DOWN WESTFIELD AVENUE.

3. IN OCTOBER 1962, FIVE YEAR OLD DIANE DOBSON WAS KILLED UNDER A SEA OF MUD AS SHE CLUNG TO HER MOTHER'S HAND TO LEAVE THEIR HOME AT 101 KIMBERLIN HEIGHTS. HER MOTHER SUFFERED A BROKEN LEG AND WAS TAKEN TO THE HOSPITAL IN AN HYSTERICAL CONDITION. TWO NEARBY HOMES WERE EVACUATED AND FIREMEN WARNED NINE OTHER HOMES.

THE PRESIDENT OF THE CRESTMONT HOMEOWNERS ASSOCIATION TOLD THE CITY COUNCIL THAT THE STORM DAMAGE AND THE DEATH OF DIANE DOBSON WERE DUE TO A FAULTY DRAINAGE SYSTEM. THE ASSOCIATION PRESIDENT ASKED THAT THE DEVELOPER AND THE CITY SHARE THE FINANCIAL RESPONSIBILITY. HOWEVER, FORMER MAYOR RISHELL DEFENDED THE DEVELOPER. NO PUBLIC MONEY WAS ALLOCATED TO CLEAN UP OR TO REPAIR DAMAGE TO PRIVATE PROPERTY. RESIDENTS WHO LIVED ON MUD BLOCKED PRIVATE STREETS WERE NOT ENTITLED TO ROAD CLEARANCES BY PUBLIC AGENCIES. THE HOMEOWNERS ASSOCIATION DID RECEIVE PERMISSION TO INSTALL A PLAQUE AND CONSTRUCT A MEMORIAL PLAYHOUSE AT PINTO RECREATION AREA IN MEMORY OF DIANE DOBSON.

4. & 5. DURING THE SAME STORM, A SLIDE FROM A CUT BANK HIT NUMBER 85 CRESTMONT. NUMBERS 49 AND 55 ALSO HAD SLIPPAGE. REDWOOD ROAD WAS CLOSED. THE NEXT MONTH, A SLIDE OCCURRED AT 93 RISHELL DRIVE THAT INVOLVED THE LOTS ON EACH SIDE. THE SLIDE REOCCURRED AT 55 CRESTMONT IN JANUARY 1982 CRACKING THE HILLSIDE ABOVE THE REAR PATIO.

6. IN FEBRUARY 1969, CITY MAINTENANCE CREWS REMOVED A SLIPOUT ON THE STREET AT 151 CRESTMONT. DAMAGE TO THE HOME WAS NOT REPORTED.

7. IN MARCH THE SAME YEAR, THE CITY OWNED HILLSIDE ON UPPER REDWOOD ROAD GAVE WAY. THE ROCK AND MUD CLOSING THE ROAD WAS ESTIMATED AT 3,500 CUBIC YARDS.

IN APRIL 1982, THE PAVEMENT ON REDWOOD ROAD SANK AND THE MEDIAN STRIP WAS PUSHED UP. TWO TENNIS COURTS ABOVE DEVELOPED TWO LARGE CRACKS.

EVEN THOUGH THE CITY INSTALLED DRAINAGE IMPROVEMENTS OVER THE YEARS, LANDSLIDES OCCURED ON THIS SITE IN 1983 AND IN 1986. THE MUD DETOURED TRAFFIC AND UPLIFTED THE ROADWAY. THIS ACTIVE LANDSLIDE IS LESS THAN 50 YARDS FROM THE PROPOSED PROJECT SITE.

8. IN JANUARY 1970, FOURTEEN HOMES ON KITCHNER COURT AND JORDON ROAD BELOW THE MORMON TEMPLE WERE THREATENED BY A LANDSLIDE MEASURING 500 BY 500 FEET. THE ROAD SANK EIGHT INCHES AND A GEYSER OF WATER ERUPTED DOWN THE STREET AS THE WATER LINE SERVING THE NEIGHBORHOOD STARTED TO BREAK UP. ALTHOUGH THE HOMES HAD PIERS 25 FEET DEEP INTO THE ROCK THE ENGINEERS SAID THE SLIDING IN THE FRACTURED SERPENTINE AND DECOMPOSED LEONA RHYOLITE WAS 45 FEET BELOW THE SURFACE.

9. THE SAME MONTH, A SHALLOW SLIPOUT DEVELOPED ON THE BACK HALF OF 69 AND 75 KIMBERLIN HEIGHTS DRIVE IN THE CRESTMONT TRACT AND THE HOME AT 57 KIMBERLIN HEIGHTS WAS HORIZONTALLY AND VERTICALLY DISPLACED.

EIGHT YEARS LATER AT THE SAME LOCATION, RESIDENTS OF 51 KIMBERLIN HEIGHTS WERE NOTIFIED THAT A CITY REPAIR CREW NOTICED THE HOUSE WAS SLIPPING. CRACKS WERE FOUND AT THE SOUTH REAR CORNER OF THE STRUCTURE. ADDITIONALLY THE OWNER OF 57 KIMBERLIN HEIGHTS WAS ADVISED BY THE CITY TO CONTACT A PRIVATE SOILS ENGINEER.

10. IN JULY 1970, CITY ENGINEERING REPORTED SETTLEMENT IN THE STREET AREA AT 43 AND 41 CREIGHTON IN LINE WITH THE VAN CLEAVE/LINCOLN SQUARE SLIDE.

11. IN JANUARY 1973, A SHALLOW WIDE SLIPOUT TWO FEET DEEP AFFECTED 45 KIMBERLIN HEIGHTS AND 89 COLGETT. THE REPORT DESCRIBES SLAB FAILURE ALONG THE BEDDING PLANE OF THE SERPENTINE. SATURATED, WEAKENED SERPENTINE ON THE STEEP SLOPE SLID ON RELATIVELY HARD, SLICK ROCK BENEATH WITH A FAILURE UP TO 20 FEET BELOW THE SURFACE OF THE GROUND.

12. DURING CONSTRUCTION OF A HOME IN 1974 AT 5300 REDWOOD ROAD, THE SOIL SLID AS A RESULT OF SLOPE AND WATER SEEPAGE. THE TOE OF THE SLIDE ENTERED OLD REDWOOD ROAD AND HEAVED THE PAVEMENT UPWARD THREE FEET. IN 1978, A SECOND SLIDE REOCCURRED AT THE SAME SITE.

13. THE OLD REDWOOD ROAD LANDSLIDE FIRST APPEARS IN AN AERIAL PHOTOGRAPH TAKEN IN 1946. AN ENGINEERING REPORT PREPARED BY WOODWARD CLYDE STATES THAT THE LANDSLIDE MIGHT BE UNDERLAIN BY OLDER LANDSLIDE MATERIAL WHICH WOULD BE STABLE UNLESS THE MASS IS DISTURBED BY GRADING. IN 1979 A LARGE DEEP DRAINAGE GALLERY WAS INSTALLED NEAR THE ESKANOS BUILDING TO RELEASE THE PRESSURE. SINCE THEN HOWEVER, THE LANDSLIDE MASS CONTINUES ACTIVE. THE THE LAST MAJOR MOVEMENT OCCURED IN THE STORM OF 1985-6. THE FAILURE EXTENDS FROM THE OFFICE BUILDING AT 5500 REDWOOD ROAD TO THE TOE AT THE PARKING LOT OFF CAMPUS DRIVE.

AS YOU CAN SEE FROM THE ATTACHED MAP, LANDSLIDES HAVE OCCURRED BETWEEN 1958 AND 1986 ALL AROUND THE PROPOSED PROJECT SITE. LATELY, THE FEAR OF LANDSLIDES HAS BEEN DIMINISHED BY THE RECENT DRY WINTERS AND REPLACED BY THE URGENCY OF EARTHQUAKE AND FIRE. HOW SOON WE FORGET THE DISASTERS OF THE PAST. EVEN THE MEMORIAL TO DIANE DOBSON AT PINTO PARK HAS BEEN TORN DOWN BY THE CITY'S MAINTENANCE CREWS.

NOW, THE DEVELOPER PROPOSES TO CUT INTO THE TOE OF THE STEEPEST PORTION OF THE HILL AND CREATE A FILL ROADWAY. THE CUTTING AND FILLING WILL WEAKEN THE HILLSIDE AND THE ENTIRE PROJECT WILL BE AFFECTED BY POOR SLOPE STABILITY, SOIL CREEP AND SOIL EROSION. DURING A WET WINTER, SURE TO COME AGAIN, A LANDSLIDE BEGINNING ABOVE THE PROJECT COULD THREATEN ALL OF THE HOMES IN THE PLANNED UNIT DEVELOPMENT NO MATTER HOW WELL ENGINEERED THE SITE. WILL THE DEVELOPER, THE PROJECT ENGINEER OR THE CITY OF OAKLAND BE RESPONSIBLE THEN? I URGE THE PLANNING COMMISSION NOT TO ALLOW THIS PUD.

THANK YOU.

SUSAN WILLIAMS
31 KINGWOOD ROAD
OAKLAND, CA 94619

COMMENT LETTER 16

Susan E. Williams

Response 16-1 The geotechnical constraints of the proposed site, and its susceptibility to landslide and earthquake hazards, are addressed in EIR Chapter 4.2, Soils and Geology, and in Response to Comment 10-13. The potential impacts of the on-site road configuration are addressed in EIR Chapter 4.5. Traffic and Circulation. The statement in the comment that the proposed project site is unsuitable for the proposed density is not substantiated in the comment; the current zoning allows for the proposed density. One of the purposes of the EIR process is to assess and identify the potential environmental impacts of this proposed 32-unit development to determine whether the currently permitted zoning densities are valid for this specific site.

Response 16-2 The intersection of Kingwood Road and Crestmont Drive is visible from the intersections of Redwood Road/Crestmont Drive, Crestmont Drive/Samaria Lane and Crestmont Drive and the proposed lower access road. The limited sight distances identified as Impact 4.5-4, EIR page 4.5-12, pertain to vehicles exiting the proposed lower access road, turning left onto Crestmont Drive. The left turn from Crestmont Drive onto Kingwood Road is not negatively affected by the existing or proposed roadway geometry, since unobstructed sight lines would remain unobstructed.

On-street parking is permitted on both sides of Crestmont Drive from Redwood Road to west of Westfield Way, and current on-street parking occupancy levels are relatively low. The nine-car parking deficit resulting from the proposed project, identified in Impact 4.5-6, would have a negligible affect on-street parking conditions in the area. Of the nine-car parking deficit, up to four guest parking spaces could be accommodated on-street. The five required residential spaces would be required on site. Mitigation Measure 4.5-6 would allow mitigation but at the expense of additional impacts to oak trees. A modified alternative, discussed under Response to Comment 10-10, primarily intended to reduce the

number of oak trees impacted by the proposed development, would also reduce the projected parking deficit by several spaces.

EIR Table 2-1, the summary of Impact 4.4-1 and its corresponding mitigation measure (page 2-6) should show that the level of significance after mitigation (column four) is "SU" (Significant Unavoidable) rather than "LS" (Less than Significant), and is hereby revised; this reflects statements contained in Draft EIR Chapter 6.

The summary of Mitigation Measure 4.5-5 (page 2-7), fourth column, is revised to read "LS"; summaries of Impact and Mitigation Measure 4.5-6 (page 2-8), second and fourth columns, are revised to read "LS"; and references to Figure 4.5-3 (page 2-8) are revised to refer to Figure 4.5-2. These are staff-initiated text changes made to provide internal consistency within the Draft EIR.

Response 16-3 The commenter is correct that no stop light currently operates at the intersection of Redwood Road and the Tennis Club driveway. There is a left turn-out lane for entry into the Tennis Club driveway from Redwood Road, and a U-turn is permitted and considered safe in this location. The number of proposed project vehicle trips making this maneuver is relative low (approximately three during the a.m. peak hour and 10 during the p.m. peak hour). Because drivers in this location generally drive at or above the posted speed limit despite all the speed limit signs, the following improvement measure, although not intended to mitigate a specific significant impact, would improve conditions in the project area and has been added to the EIR: Speed bumps and/or speed undulation devises should be installed on Redwood Road between Skyline Boulevard and Crestmont Drive (see Response to Comment 10-1).

Response 16-4 As noted in the comment, the City of Oakland's Tree Preservation Ordinance, implemented by Municipal Code Chapter 7, Article 6, would apply to the proposed development. This topic is discussed in more detail in Response to Comment 5-1. The visual quality effects of the proposed project are discussed in

Section 4.6 of the EIR. As noted on page 4.6-6, paragraph one, the final determination of architectural style and design is subject to review and approval by the City Planning Commission.

- Response 16-5 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 16-6 The comment refers to Impact 4.5-5, page 4.5-13, which states that the proposed configuration of the lower on-site access road would limit the maneuverability of emergency vehicles on the site. To mitigate this potentially significant impact, the EIR recommends modifications to the lower access road, illustrated in Figure 4.5-2. Subsequent to the publication of the Draft EIR, the project sponsor proposed a modification to Alternative Three, intended primarily to reduce the number of live oak trees requiring removal for implementation of the project. The modified alternative, discussed in detail in Response to Comment 10-10, would also meet City standards for emergency vehicle maneuverability.
- Response 16-7 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 16-8 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 16-9 Please refer to Responses to Comments 12-4 and 14-8.
- Response 16-10 The potential project impacts to park and recreational resources is addressed in EIR subsection 4.7.4, EIR pages 4.7-8 to 4.7-10. If a modified alternative such as the one described in Response to Comment 10-10 were implemented, a small tot-lot could be developed on the project site in the location of the oak knoll.

Responses to Comment Letter 16

- Response 16-11 Please refer to Response to Comment 10-10, which discusses Alternative 7.3 and a recent modification to this alternative intended to reduce potential impact of development on the site.
- Response 16-12 The City Planning Department will make available copies of the Responses to Comments document to all those who commented on the Draft EIR, prior to the Final EIR certification hearing conducted by the Oakland City Planning Commission.

LETTER 17

557 Chestnut Dr.
Oakland - Ca. 94619
June 5, 1992

Oakland Planning Commission,
City Planning Dept.
1 City Hall Plaza
Oakland, Ca. 94612
Attn: Nixon Lan, Assistant Planner

17-1

Dear Sir:

Re: Oakcrest Planned Unit
Development

I am writing to urge you to reject the application
for the above development.

Environmentally the project would be a disaster
with the destruction of trees; the increased
traffic and inadequate traffic controls polluting
the air quality and grading eroding the soil
which has a history of instability.

Our quality of life would be negatively
affected by the extra traffic and increased
density.

Please do not allow this project to be built

Respectfully,
Jerry Wolf

EX-37

COMMENT LETTER 17

Jerry Wolf

Response 17-1 The issue of oak tree removal is discussed in Response to Comment 5-1. Traffic safety issues are discussed in Responses to Comments 3-4, 10-1, 14-7 and 16-2. Potential air quality effects of the proposed project are discussed in Responses to Comments 10-15 and 14-1. Geotechnical considerations, including soil instability, are addressed in Response to Comment 10-13. Density of residential uses as they pertain to existing zoning and the Planned Unit Development (PUD) application for the proposed project are addressed in Responses to Comments 9-4 and 10-2.

To: [unclear]
 Subject: To Planning Commission
 Nixon 2pm,

4-3-92

The City has released Environmental Impact Report involving Crestmont H.O., Redwood Hills I, & II H.O., & Kingswood H.O. Residents I, as it come over am opposed to the latest Unit Development!

This is not a feasible project. The DEIR did not adequately address all potential effects on our neighborhood & the quality of life!

We don't need a larger population for numerous reasons, schools, traffic etc, for to we want or need housing that looks as un-sightly as those on Crestmont to decrease the value of our homes.

The hopes & desire is that the developer will not get approval!!

Thank you for your attention & action toward this!

Sincerely,

Erin Wolf
 537 Crestmont Dr.
 Oakland, Ca 94619

ER 83-37

COMMENT LETTER 18

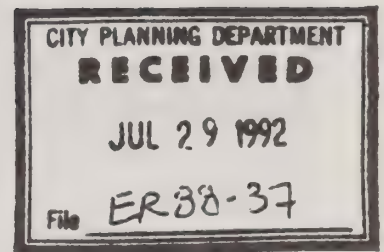
Linda Wolf

- Response 18-1 Please refer to Response to Comment 10-13 for an extended discussion of geotechnical considerations of site development.
- Response 18-2 Although increases in population resulting from the proposed project were determined in the Initial Study not to pose significant impacts, impacts to schools and area traffic were considered potentially significant. The EIR discusses potential impacts to local schools in subsection 4.7.3, beginning on EIR page 4.7-6. School impacts are also addressed in Responses to Comments 12-4 and 14-8, which include some EIR text revisions. Potential impacts to traffic are addressed in EIR Chapter 4.5, Traffic and Circulation, and in Responses to Comments 3-4, 10-1, 14-7 and 16-2.

Mike Whitley
PO Box 603
So Orleans MA 02662

LETTER 19

Homeowners of Crestmont Assoc
123 Kimbrough Heights Dr
Oakland CA 94619



RE: OAKCREST PUD

7/11/92

Dear Homeowners Assoc Leaders,

I grew up in the Oakland Hills on Rishell Drive. One of the main reasons for my love for nature (I am now a US National Park Service Ranger) was the Oakland Hills.

The Oak trees at the base of Redwood Rd of C B Munk Elementary School have always been a natural part of the scene - since I Indian days. Do not destroy this precious remainder of our remaining California heritage.

New York City ruined its links with nature generations ago. Why ruin our beautiful surviving oaks just to be like any old "concrete jungle"

Sincerely

Michael E. Whitley

Please forward to
whomever we pick. etc

COMMENT LETTER 19

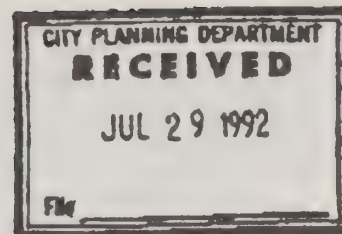
Michael E. Whatley

Response 19-1 Please refer to Response to Comment 5-1 for an extended discussion of this topic.

LETTER 20

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 900
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 834-5306



July 28, 1992

Chairperson Judith Rowe
Oakland Planning Commission
City of Oakland
1 City Hall Plaza
Oakland, CA 94612

RECEIVED

JUL 31 1992

DEHIAO AFSHAR ALA

Re: Oak Crest Planned Unit Development
Case No.: ER 88-37
Response to Jeffrey Fettner letters

Dear Chairperson Rowe and Oakland Planning Commissioners:

The purpose of this letter is to respond to the points raised by Jeffrey I. Fettner submitted on July 10, 1992 and other general comments in opposition to the above-referenced application.

20-1

1. Slope Stability

Both the soils engineer hired by the proponent, Alan Kropp, and the soils engineer hired by the Crestmont Homeowner's Association opposed to the project, are in agreement regarding the soils stability of the subject hill. These conclusions are also supported by the Darwin Meyers report and the geologist who evaluated the site for E.I.P. The experts agree that during construction more of the subsurface conditions will be exposed as a result of the proposed excavations. Then several measures, if necessary, will be taken to preserve the continued stability of the hill upon which Oakcrest Development is planned. No one, including the opposition's soils engineer, states there are no known or anticipated conditions that would cause the construction to be delayed or prevented entirely.

20-2

Thus, the opposition to development based on the soil stability on the site at issue intentionally or otherwise misses the point. Part of the confusion is that the opponents are raising geotechnical problems with other portions of the area hillsides but not on this particular hill as evidenced by the absence of slides at the proposed site. Or, they are stating that the soil condition of our proposed site is identical to that of the Oakland Hills Tennis Club site. Neither is true. The experts agree that the additional research for Oakcrest should be an ongoing process as part and parcel of the construction process. The Hallenbeck report written by Adel Kasim, is quoted only in part by the opponent's

20-3

20-3 attorney. This partial quotation is meant to lead this commission to believe that Mr. Kasim and Hallenbeck and Associates oppose construction on the hill. The sentence as quoted to you begins: "because of the very complex geological structure, we believe only a limited evaluation is feasible at the planning and investigation stage, and that a follow up evaluation of this condition should be made..." The omitted portion goes on to state "during construction" and then lists safety and investigative measures to be taken during construction.

20-4 The Association's position as is simply without merit. It is their goal as they clearly stated it at the July 22, 1992 hearing, to prevent any construction on the hill. To accomplish this purpose, they have taken part sentences from the Hallenbeck report and from other pieces of the environmental impact report to suggest that the experts advise against construction. Both Mr. Kropp and Mr. Kasim testified before you that the precautions that they advocate are those to be taken during construction and not to be used as a tool by the opposition to prevent construction.

2. Liability Of The Rishell Property Owners Regarding Drainage Concerns.

20-5 The Hallenbeck Report points out many of the homes on Rishell Drive have been built and maintained with improper drainage which directs general hillside runoff toward the Oakcrest property. If they maintain this present inadequate danger system, the future Oakcrest Homeowners' yards and homes could be seriously damaged. The Rishell homeowners have known of the situation and have done nothing to correct it. Now that they have actual public knowledge they are trying to get someone else to pay for the problem they caused.

This attempt to divert liability from themselves on to Oakcrest because they happen to be in the way of their improperly designed drainage systems, is highly audacious. The homeowners' claims that Oakcrest should not be built without first insulating Crestmont, the creators of the problem, from liability, is absurd.

It is our expectation that the Crestmont Homeowner's Association will act on the recommendations of their soils engineer and correct their improper and dangerous drainage system.

3. Retaining Walls Supporting Cut Slope

20-6 Again, with the retaining walls, the Homeowner's Association's concerns have no scientific basis. Both the project's engineer and the Hallenbeck report believe that the design of the retaining walls "should consider, among other things, the stress relief of the slope above it and the potential implication to the slope stability as well as the likely possibility that the wall foundations will gain support in highly sheared bedrock formation."

We agree. It is our intentions to build retaining walls which consider not only the slope but also the implications of slope stability and any construction methods which will improve support from the bedrock foundation.

20-6

4. Seismic Questions

Since the proposed project is outside the Alquist Priolo Study Zone, no additional seismic research is required prior to allowing construction. Fettner and the Association again are trying to tie in the general situation in California as well as other seismic problems in the Bay Area to this specific site. There is nothing in the California Environmental Quality Act nor in any planning or zoning statute which supports this position.

20-7

5. Congestion and Habitat

The Oakcrest Project is planned in an area of Oakland that is ideal for this project. Planned Unit Developments have been built both across the street and downhill from the proposed project. Under the modifications to alternative 2, the knoll area with its oak trees will be left in tact, preserving attractive open space. The proposed density for this Planned Unit Development is 80% of that allowed in an R-30 area. Consequently, the project will not overcrowd the hill. Finally, there are no endangered species of either flora or fauna identified on the proposed project.

20-8

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20-10

20-11

The fact that no endangered species will be impacted by this project, that the density is less than that required in an R-30 zone, that the knoll area and that the oak trees will be preserved, shows there is no environmental impact of this project relating to congestion or habitat.

20-12

The California Public Resources Act §21805 prohibits the reduction of housing if the alternative provides comparable mitigation.

6. Legal Concerns

The Crestmont Homeowner's Association is asking for protection from all future litigation arising from known and unknown hazards which may or may not emanate from this project. First, that request is outside the scope of an EIR and outside the scope of planning and zoning issues. Moreover, since the Crestmont Homeowner's Association has significant liability regarding both the drainage issues and the excavated soils for Crestmont construction dumped on the Oakcrest property, it is audacious for them to ask as part of our project's approval, that we insulate them from liability. Moreover, requiring landslide insurance to be obtained for individual homeowners when there is no connection between this project and any impact upon theirs, is ludicrous.

20-13

20-13

Finally, the Crestmont Homeowner's request for a release from all future liability exceeds the scope not only of this process but excesses of all bounds of reasonableness.

California Environmental Quality Act and the Adequacy of the Draft Environmental Impact Report

1. Cumulative Effects

20-14

A. Introduction:

The Crestmont Homeowner's Association directs its attack at the draft Environmental Impact Report by asserting that there is no support for any project except Alternative 3. The Association knows full well that Alternative 3 is economically unfeasible and will in fact stop the project. Mr. Frank Albanese, proponent of the Oakcrest Project, through his architect Mr. James Burns, proposed an acceptable feasible environmentally acceptable alternative to the Planning Commission on July 22, 1992. This alternative retains the same amount of housing but it specifically eliminates the only environmental issues found to be significant (cumulatively or otherwise) in the Draft Environmental Impact Report. Specifically, alternative #2, as presented, mitigates the following areas:

1. Parking -- parking will now meet both the planning department and the environmental impact report requirements;

2. Tree Removal -- none of the healthy oak trees will be removed as part of the construction process;

3. There will be fewer retaining walls required at the knoll area;

4. There will be less grading and earth removal by revising the specifications of the access road.

As stated above, Public Resources Code §21085 prohibits this commission from reducing the number of housing units if an alternative provides comparable mitigation. The alternative presented by Mr. James Burns on July 22, 1992, provides comparable if not more mitigation than the alternative (#3) proposed by the Homeowner's Association.

B. Cumulative Effects

20-15

The CEQA requires the evaluation of cumulative impacts in a Draft EIR of impacts which, considered together, are considerable or which compound or increase other environmental impacts. On page 4, 5-8, the draft EIR analyzes the cumulative impacts of traffic and congestion of the proposed project in conjunction with other projects. By chart, the draft EIR on page 4.5-6 charts and analyses these same cumulative impacts. Crestmont Homeowner's

Association ignores the fact that the area in which the Oakcrest development is proposed is not a congested area. In fact, it is the intersection of Crestmont and Redwood Road is rated "A" and Redwood Road itself is only at 60% capacity. Clearly adding 32 units to the Crestmont Redwood intersection or to Redwood Road will not raise the traffic and congestion in that area to a significant level. This is true whether or not the other existing projects are taken into consideration.

20-15

The case cited, Whitman v. Board of Supervisors (1979) 88 Cal App 3d 397, 408, quoting Natural Resources Defense Council v. Calloway (1975) 524 F 2d 79, 88, is inapplicable to the facts of the instant case. No potential ecological disaster can or will occur by the addition of 32 homes to a traffic intersection which is rated at the least impacted level and on a street which is 40% below capacity. The draft Environmental Impact Report analyzes the individual and cumulative effects as it relates to geology (4.2-7), slope stability (4.2-9), and biological impacts (4.4-8, 4-9) and visual impacts. The visual impact will be addressed as part of this Commission's decision regarding the Planned Unit Development and by Design Review. The fact that the knoll with its oak trees is preserved and the rest of the homes are stepped into the hill, suffices to show that the visual impact of this project will be no different than the visual impact all along Redwood Road from Mountain Blvd to Skyline Blvd.

C. Soils and Geology in the DEIR

As stated above, both the soils engineers hired by the Oakcrest proponents, the E.I.R. consultant's geologist and the Crestmont opposition agree that certain precautions need to be taken in developing the site. None of them state that the work should not proceed. In fact, Alan Kropp differentiates the hill site for the Oakcrest Development to be significantly different than the hill directly above and different than those the Crestmont Homeowners presented at the Planning Commission Hearing on July 22, 1992. (See Report Alan Kropp, filed July 29, 1992.) The Hallenbeck and Associates memorandum to the Crestmont Homeowner's Association, dated June 29, 1992, specifically states that all of the precautions need to be made "during construction" and does not state that any of the evaluative precautions or analyses need to be undertaken prior to construction. Any hazards that exist on the site, the Hallenbeck report continues, could be monitored and addressed by inclinometer casing. While the proponent does not agree now that an inclinometer casing is necessary to perform ongoing analyses of soils conditions, we do believe that the analysis of the soil experts are in agreement that construction can proceed at this site.

20-16

No further environmental review needs to be conducted or recirculated on this issue. In fact, the Homeowner's Association requests detailed mitigation regarding engineering techniques to

20-17

- 20-17 assure slope stability and a monitoring program consistent with that recommended by Hallenbeck and Associates. Hallenbeck and Associates recommend a slope stability and monitoring program during construction. Consequently, under whether it is the proponent's soils engineer or the opponent's soils engineer upon which this Commission relies, the conclusion remains the same. The Draft EIR adequately addressed the soils stability.

D. Transportation and Air Quality

- 20-18 The DEIR adequately analyzed and charted the air quality impacts of traffic related to the Oakcrest project. Using the best methods of scientific analysis, they found no significant impact which could be connected to carbon monoxide hotspots or other air quality impacts.

- 20-19 The mitigation measures regarding "adequate site lines for vehicles exiting the lower access road" are left purposely open so that the exact dimensions and height of pruning and planting can be left to the traffic experts as a condition attached to the PUP. So long as the basic standard that site lines be maintained for exiting and entering vehicles, no more precision is required under the Act.

E. OTHER ISSUES

- 20-20 The only new issue presented at the July 22, 1992 hearing was that the neighboring school, Carl B. Munck, is overcrowded. Mr. Albanese as a long time Oakland resident is fully aware of the crowded conditions at Carl B. Munck School. Carl B. Munck is overcrowded not because of the children attending from the local area, but because Carl B. Munck accepts approximately 40%¹ of students transferring in from other districts. There are remedies available to the Oakland School District regarding the overcrowding at Carl B. Munck. They include having some of the students return to their home district, redrawing the district lines to have the students attend an under-utilized nearby school, or adding portables. While it is clear that the Oakland School District does not have the physical capacity to serve the number of students it now has, Oakland Unified School District has taken steps to remedy that situation. They have passed a Developer Assessment Fee which will require Oakcrest to provide the school district with \$117,110.00 as mitigation for the project. That \$117,110.00 will more than pay for any overcrowding caused by this development. The \$117,110.00 will pay for 2 top of the line portables for 60 students which can be installed on the Carl B. Munck playing field.

¹ As of February 2, 1992, out of a total of 512 students attending Munck, 290 lived outside of Munck's attendance area, while 87 Munck area students attended other schools students per Robert Long, Director of Planning, Oakland Unified School District.

CONCLUSION

The focus to this point has been on the alleged negative impacts of the Oakcrest Project. Mr. Frank Albanese is a long term Oakland resident and a nearby resident of this project (he lives on Redwood Road). He is interested in building and providing additions to Oakland housing stock which will be a positive improvement. When he presented his proposal to the Crestmont Homeowner's Association in early 1991, he received overwhelming applause. He is surprised and saddened by this new turn of opposition.

20-21

The Oakcrest Development will provide significant positive benefits to the City of Oakland. Our housing stock has been significantly depleted by the tragic fire on October 20, 1991. There is a demand for new middle class homes in the City of Oakland. The addition of 32 housing units and new citizens to the City of Oakland will increase our property tax base significantly. The payment of developer fees to the City of Oakland will significantly enhance the quality classroom needs of nearby Carl B. Munck School.

20-22

20-23

It is our hope that the Planning Commission evaluate the positive aspects and advantages to the City of Oakland provided by the new Oakcrest Development.

Very truly yours,



RENA RICKLES

RR/as
oakcrest.

COMMENT LETTER 20

Rena Rickles

Response 20-1 The comment refers to Comment Letter #10, submitted by Jeffrey I. Fettner to the Oakland Department of City Planning on July 10, 1992, during the extended comment period. The original public hearing for the proposed project occurred on June 10, 1992, and was continued to July 22, 1992. At the July 22, 1992 public hearing, members of the City Planning Commission expressed a desire to allow the project attorney to "rebut" comments made by Mr. Fettner. Comment Letter #20 (the project attorney's letter of comment) was intended to serve as this rebuttal; however, because it was submitted during the public comment period, the Department of City Planning is required to formally respond to the letter pursuant to the California Environmental Quality Act (CEQA). Additionally, during the Draft EIR public comment period, peer review of the proposed project's geotechnical report (Kropp, 1998) was provided by the Crestmont Homeowner's Association's geotechnical consultant (Hallenbeck, 1992). Representatives from both firms provided additional commentary on geotechnical concerns during the Draft EIR public hearing. A Master Response (Response 10-13) has been developed to address all geotechnical comments in one place. As appropriate, Responses to Comments include references to the Master Response, and to specific paragraphs addressing the particular concerns raised.

It is therefore recommended that the reader review Comment Letter #10 prior to reviewing Comment Letter #20 and the Responses to Comment Letter #20, and review Response 10-13 for responses to geotechnical concerns raised in Comment Letter #20.

Response 20-2 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

Response 20-3 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

Responses to Comment Letter 20

- Response 20-4 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 20-5 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 20-6 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 20-7 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.
- Response 20-8 The comment is correct that Planned Unit Developments (PUDs) have occurred in the project area. However, this fact alone does not indicate that PUDs are the preferred type of development for this part of Oakland; as indicated in the Draft EIR for the proposed project, there are several potentially significant impacts of development that would require mitigation.
- Response 20-9 The "modifications to alternative 2" referred to in the comment were presented by the project architect to the City Planning Commission during the second of two public hearings; the modified alternative and corresponding EIR text revisions are presented in Response to Comment 10-10. It should be noted here, however, that under the modified alternative, damage to some of the oak trees on the site may still occur, and requirements of Municipal Code Article 7, Chapter 6 (implementing the Tree Preservation Ordinance) would still be applicable.
- Response 20-10 The comment refers to the project sponsor's proposed Alternative 2 modification provided by the project architect rather than the proposed project analyzed in the EIR; in either case, however, the residential density on the site would not necessarily be less under a Planned Unit Development. Density is a function of Floor Area Ratio (FAR), which is the ratio of floor space within a structure to the site area on which that structure is located. The proposed project would require

approval of a Planned Unit Development for the development of townhouses in an R-30 zoning district, pursuant to Zoning Regulations Sections 7800-7849 and 9400-9424. Section 7813(b) stipulates that the maximum number of dwelling units in an R-30 zone shall be one unit for each 5,000 sq. ft. of land area, which is equivalent to the maximum density allowed in an R-30 zone without a PUD (Section 3464); therefore, the density of development with or without townhouses would be governed by the same maximum limit. Townhouses are visually perceived as having higher densities than detached single family homes, and the perception of density as opposed to the actual density calculation is pertinent to this discussion. This topic is also discussed in EIR text revisions contained in Response to Comment 10-10, under potential impacts of Alternative 3B (a new project alternative which would not include a PUD), paragraph seven, sentence three.

Response 20-11 The comment is correct that no "endangered species of flora or fauna" currently occupy the project site; however, as discussed under Impacts 4.4-1, 4.4-2, 4.4-3 and 4.4-4 (EIR pages 4.4-6 to 4.4-9), potential project impacts to vegetation and wildlife resources on site could still occur with implementation of the proposed project. In addition, as discussed in Response to Comment 10-11, the potential cumulative loss of oak trees in the City of Oakland, to which the proposed project could contribute, is a community concern taken into consideration during Department of Parks and Recreation review of the project's Tree Removal Permit application.

Response 20-12 The statements in the comment seem to relate to the modified project alternative presented by the project architect during public hearings. However, as noted in the EIR for the proposed project and the analysis of modified Alternative Three contained in Response to Comment 10-10, there are areas of potential environmental impact resulting from project site development other than those mentioned in the comment. The reference to Public Resources Code should be to Section 21085, not Section 21805; Section 21085 states:

"With respect to a project which includes housing development, a public agency shall not, pursuant to this division, reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation. This section shall not affect any other requirements regarding the residential density of that project."

The requirements of Section 21085 as they pertain to the proposed project are discussed in Response to Comment 12-7.

Response 20-13 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

Response 20-14 The discussion of project alternatives presented in an EIR is intended to "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines Section 15126(d)(3)). In EIR Chapter 6, Unavoidable Significant Adverse Impacts, the only project impacts which could not be reduced to less than significant levels would be the loss of oak trees located on the oak knoll, and on-site emergency vehicle accessibility and maneuverability. Other potential impacts, although less than significant, were also identified in the EIR; these included accommodating some project parking off-site on Crestmont Drive, geological constraints of the site, the use of a Planned Unit Development to permit the construction of townhouses, and visual quality impacts associated with hillside development. EIR Alternative Two would accommodate all project vehicles on site, but would not address other less-than-significant impacts. Alternative Three (without modifications discussed in Response to Comment 10-10) would reduced the number oak trees affected the project, would reduce the amount of off-site parking, but would not address the other less-than-significant impacts described above.

The modified project alternative referred to in the comment is described and analyzed in Response to Comment 10-10, above.

The modified alternative would provide more on-site parking spaces than required by Code, but less on-site parking spaces than anticipated demand. In either case, any deficit parking could be accommodated along Crestmont Drive, which has a low on-street parking occupancy rate.

The modified alternative could require the removal of some oak trees from the oak knoll, since damage to roots and/or limbs may occur during construction which in turn would require tree removal. This topic is discussed in greater detail in Responses to Comments 5-1 and 10-10.

It is the responsibility of the Oakland City Planning Commission to render opinions as to the project's potential impacts, and if a Planned Unit Development or another development mechanism would be appropriate for this sensitive project site.

Response 20-15 Please refer to Response to Comment 10-11 for a discussion of cumulative impacts analyses contained in the EIR, and related EIR text revisions. It should be noted, however, that potential visual impacts of the proposed project are not put off until the design review phase; they are addressed in EIR Chapter 4.6, Visual Quality. Design review is part of the Planned Unit Development review and approval process, and at that time conditions of project approval, beyond those stipulated as mitigation measures in the EIR, may be imposed by the City Planning Commission. CEQA Appendix G(b) states that "a project will normally have a significant effect on the environment if it will [h]ave a substantial, demonstrable negative aesthetic effect." This criteria forms the basis of the visual impacts analysis contained in the EIR.

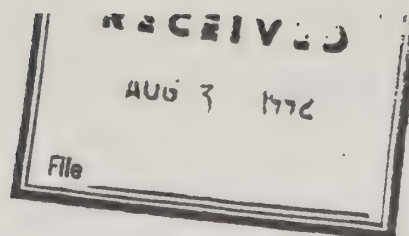
Response 20-16 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

- Response 20-17 The issue of Draft EIR recirculation is discussed in Response to Comment 10-20. An extended discussion of geotechnical considerations of the site is provided in Response to Comment 10-13.
- Response 20-18 The issue of air quality was focused out of the EIR during preparation of the Initial Study (contained as EIR Appendix A). For a discussion of this topic, please refer to Response to Comment 14-1.
- Response 20-19 Mitigation Measure 4.5-4 referred to in the comment stipulates that "...an unobstructed sight distance of no less than 200 feet...[be] achieved." The intention of this mitigation measure is to reduce the potential significance of an identified traffic circulation impact which would otherwise result from the location of the lower access road intersection with Crestmont Drive (Impact 4.5-4, page 4.5-12). The implementation of this measure is identified as the responsibility of the general contractor; monitoring and reporting of implementation of this measure would be the responsibility of the Oakland City Planning Department, or a related city agency such as the Traffic Engineering Division of the Department of Public Works. Response to Comment 12-2 discusses recent changes in state law related to mitigation measure monitoring and reporting requirements.
- Response 20-20 The statement contained in footnote #1 is attributable to the Reconfiguration Committee Report, December 18, 1991, prepared under the auspices of Mr. Robert Long, Director of Planning, Oakland Unified School District. The recommendations contained in the comment go beyond the purview of the Oakcrest PUD EIR, and may best be addressed as policy issues in another forum. However, Dr. Long has noted that since publication of the Reconfiguration Committee Report, the District has adopted a transfer policy intended to slow down student transfers on a citywide basis. For a more detailed discussion of the potential impacts to the Carl B. Munck Elementary School, the reader is directed to Responses to Comments 12-4 and 14-8; Response to Comment 10-11, paragraph 10, contains revisions to the EIR subsection on school impacts, specifically adding cumulative impacts language to the document; and discussion

of the potential school impacts of Alternative 3B, a new alternative added to the EIR during the public comment period, is contained in Response to Comment 10-10, paragraph 25, sentence two.

- Response 20-21 The comment is noted. Because the comment does not remark on the Draft EIR, no further response is necessary.
- Response 20-22 The comment is noted. Because the comment does not remark on the Draft EIR, no further response is necessary. However, the issues raised in the comment may be appropriately considered by the City Planning Commission during their review of the Planned Unit Development application for the proposed project.
- Response 20-23 The school impact development fee identified as Mitigation Measure 4.7.3-1 would not go directly to the Carl B. Munck Elementary School; rather, they would go into an account holding all such fees collected in the City of Oakland for distribution on a District-wide basis. Therefore, the Carl B. Munck Elementary School could receive a greater or lesser amount than the \$117,110.00 fee imposed on the Oakcrest project developer. This topic is discussed in greater detail in Responses to Comments 12-2 and 14-8.

File: ER-8837
Ref: PUD 88367



LETTER 21

July 8, 1992

Dear Commissioners:

By way of identification, I am a resident of Kingwood Road and the mother of three children. I am emphatically opposed to the building of the Oakcrest Project in its present form. I believe that the physical set up of the driveways and the additional traffic in an already problematic intersection will encourage more accidents. Drivers already speed in both directions on Crestmont; they accelerate after turning left off of Redwood onto Crestmont and they accelerate in the opposite direction as they descend Crestmont. There is limited visibility in both directions and in fact the area where the proposed driveways are placed is blind to the people turning onto Crestmont from Redwood Road. Because of the active soccer and baseball leagues at Pinto Park, there are already overcrowded parking conditions in the area that also adversely affect visibility on Crestmont.

On October 31, 1990 while waiting to make a left hand turn onto Kingwood from Crestmont, I was rear ended by a woman who said " I just didn't see you ". My then 10 year old daughter was in the car with me; both of us sustained neck injuries and there was \$2700 worth of damage to my car. She and I are still plagued by physical problems resulting from the collision.

The Commission must note that automobiles that descend Crestmont toward Redwood accelerate and are not clearly visible until the corner of Crestmont and Samaria (incidentally directly across from the Oakcrest proposed driveways). This necessitates that drivers turning left onto Kingwood invariably pause at the corner of Crestmont and Kingwood to insure safe left turning. Drivers coming from Redwood onto Crestmont speed through the intersection and rarely expect the left turns that are made onto Kingwood.

Now with the additional driveways planned for Crestmont and a very real, imminent danger already extant, the Commission needs to carefully study the danger of placing the additional driveways onto Crestmont. Too, the Commission needs to examine whether new development at the corner of Crestmont and Kingwood will further reduce visibility. It would be most unfortunate to turn this section of Crestmont into such a dangerous street.

On a final note, the traffic on Kingwood has increased dramatically since I moved here five years ago. Only three lots are left for building, Pinto Park is back to full scale use and over half of the homes on Kingwood have young children. Traffic, congestion and accidents are all variables that we would like to protect the children from.

Sincerely,

Jill Warner

Jill Warner
37 Kingwood Rd.
Oakland, CA 94619

21-1

21-2

21-3

COMMENT LETTER 21

Jill Warner

- Response 21-1 Off-site traffic circulation and safety considerations are addressed in EIR Chapter 4.5 and in Responses to Comments 3-4, 10-1, 14-7 and 16-2.
- Response 21-2 Off-site traffic circulation and safety considerations are addressed in EIR Chapter 4.5 and in Responses to Comments 3-4, 10-1, 14-7 and 16-2.
- Response 21-3 The cumulative traffic conditions are discussed in EIR Chapter 4.5 and in Response to Comment 10-11.

RESPONSES TO PUBLIC HEARING COMMENTS

JUNE 10, 1992 PUBLIC HEARING COMMENTS

The following is a summary of comments made by City Planning Commissioners and the general public during the first of two public hearings on the Draft EIR, and responses to those comments.

Public Hearing (PH) Comment #1

Do the townhouses exceed the density allowed in the R-30 zoning district?

PH Response #1 The proposed project would require approval of a Planned Unit Development for the development of townhouses in an R-30 zoning district, pursuant to Zoning Regulations Sections 7800-7849 and 9400-9424. Section 7813(b) stipulates that the maximum number of dwelling units in an R-30 zone shall be one unit for each 5,000 sq. ft. of land area, which is equivalent to the maximum density allowed in an R-30 zone without a PUD (Section 3464); therefore, the density of development with or without townhouses would be governed by the same maximum limit. Townhouses are visually perceived, however, as having higher densities than detached single family homes. Please refer to Response to Comment 10-10 for more discussion of this topic.

PH Comment #2

The primary issue regarding geotechnical conditions here has to do with slope stability. Most everyone is aware of slippage problems which blocked Redwood Road from the tennis area. There have been other slides in the area, and that shows that there are instabilities in the area.

Secondly, there's two general kinds of bedrock in the area; rhyolite, which is known to be pretty good, and serpentine, which is known to be pretty bad. And we have serpentine on this site. It also is shown on a published map to be a potential landslide area.

PH Response #2 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #3

Has it been determined what kind of foundations will be used for the single family and town houses? In the flat areas -- depending that little nose or knob down right by the intersection is hard rhyolite -- depending on whether they're cutting, if you cut flat enough you can use footings on bedrock. If it kind of sprawls out over the sloping area then you'd have piers there as well. What is that white stuff over the trails?

PH Response #3 Generally, on the steep areas drilled piers into the bedrock would be used. The white stuff is the rhyolite. An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #4

All the elevations of the roofs indicate a considerable steepness. Is that intended to capture solar energy, or is that just a design consideration?

PH Response #4 The slope of the roofs are a design feature intended to reduce the apparent height and visual impact of the proposed structures (EIR page 5.6-8, paragraph four); however, as noted in the comment, the design would be appropriate for the placement of solar collectors (EIR page 4.8-4, suggested architectural improvement measure #1 to reduce fuel consumption).

PH Comment #5

If there were no PUD for this project, would the current proposal exceed the density requirements for this area?

Responses to Public Hearing Comments

PH Response #5 No. The density requirements in the R-30 Zoning District are the same with or without a Planned Unit Development. See related discussion above under PH Response #1, and Response to Comment 10-10.

PH Comment #6

The EIR did not provide a very good analysis of the alternatives that would show a lower density on the lower portion, the town house portion. The project alternatives really spoke in general terms rather than in specifics, and typically there should be some information on more specific plans that the consultant considered. If the project sponsor was to decrease the density on the lower portion, does that render the EIR in some way irrelevant? So I guess what my question to you is: whether specific lower density designs were considered, and if so, why weren't they included in the EIR document? The final EIR should address and perhaps suggest lower density alternatives for the lower portion, specifically single family homes.

PH Response #6 The reader is kindly referred to Response to Comment 10-10 which analyzes two modified alternatives. If a lower density alternative were considered, the information in the EIR would still be relevant.

PH Comment #7

A concern was stated regarding the potential for landslides on the project site, and some seven to nine homes that are on the hill just above the site.

PH Response #7 This topic is addressed in Response to Comment 10-13.

PH Comment #8

A concern was expressed regarding the stand of oak trees on corner of Crestmont Drive and Redwood Road. A number of the trees would have a number of their branches severely cut by sticking these units in so closely, whatever trees that aren't cut are going to be so severely damaged, their limbs are going to be so severely cut and the foundations will cut into the root system. Could this impact be reduced if lesser density on that hillside or even making that hillside a common area for people in the rest of the project to use like a park?

PH Response #8 Under Response to Comment 10-10, a new project alternative is described and analyzed which would largely avoid development of the oak knoll. Under either variant of the new alternative, however, some damage could occur to the roots and/or limbs of the oak trees, and Municipal Code Chapter 7, Article 6, implementing the Tree Preservation Ordinance, would still apply to the project. If construction were not to occur on the oak knoll, a small open space area or tot-lot could be developed in this location. The Tree Preservation Ordinance is discussed in more detail in Response to Comment 5-1.

PH Comment #9

A concern was expressed that the geotechnical report prepared by Alan Kropp & Associates itself stated: "This report should not be relied upon after a period of three years without being reviewed by this office." This admonition was made in September of 1988. It is now four years and a major earthquake, hence. Geotechnical statements throughout the text are based on Mr. Kropp's firm's findings, and by his own advice the information was out of date a year ago.

PH Response #9 Please refer to Response to Comment 10-13 for an extended discussion of geotechnical considerations of site development.

PH Comment #10

There's no provision for enforcement of a landscape plan or replacement of the oaks. Chapter six dedicates itself solely to the unavoidable significant adverse impacts on the coast live oaks which are thought to be 75 to 100 years old. Not only are 16 of the 32 native oaks slated for removal, but the viability and health of those left may be significantly damaged. These trees are not only one of the most beautiful groves left in Oakland, but they also shelter numerous bird species, provide erosion control and a noise barrier. A landscape plan was not available during preparation of the EIR; this plan is essential, and the EIR should not be considered complete without it. By failing to require a specific commitment to a tree and landscape plan, there is no guarantee the developer will do anything more than remove the trees. The proposed project would include a comprehensive landscape plan, and the developer would obtain the services of a qualified arborist during a sensitive

site preparation plan, according to page 4.1-1. Does this mean before the final EIR? We should have specifics incorporated into the final EIR. As a resident of the Redwood Hills II Homeowners Association, I'm well familiar with what burdens the homeowners association comes to bear. There's no provision in the draft EIR for CC&R's or a homeowners association with binding obligations.

How is this going to be structured? Will it have CC&R's by the homeowners association? Is that something that needs to be covered in the EIR?

Could this be done as part of the PUD application?

Without that there are no guarantees that landscape plan, vegetative field management program or maintenance of drainage systems will be developed or adhered to. The effectiveness of the homeowners association is based on the goodwill and energy of a few volunteers, and without stronger language in the EIR, this remains a serious concern.

PH Response #10 These comments were raised in Comment Letter 12, and are responded to in Responses to Comments 12-2 and 12-3.

PH Comment #11

There's no guarantee that the school district development impact fee of approximately \$117,000 would go directly to the schools affected, in particular, Carl B. Munck, to alleviate problems of overcrowding, under staffing, lack of equipment, et cetera. Carl Munck School has a capacity for 350 students. The EIR uses enrollment statistics from October of 1990 of 455, but according to the principal, the district projects a September 1992 enrollment of 532. That is already 182 elementary school children beyond capacity. The project sponsor anticipates an additional 13 students in an additional portable class among the existing playground. Several years ago the school library was moved to the auditorium stage so that more classroom space could be created. This overcrowding issue is not easily dismissed by assuming that an additional portable will solve it, and the EIR should indicate if the developer has done anything to work directly with the school to address and mitigate this potential problem.

PH Response #11 The comment is correct that the school impact development fee would not go directly to the Carl B. Munck Elementary School; development impacts fees are collected by the Oakland Unified School District on a district-wide basis, and are distributed district-wide based on need. This topic is discussed in more detail in Responses to Comments 12-4 and 14-8.

PH Comment #12

As far as traffic and circulation are concerned, statistics for this section were gathered between 1985 and 1989, and should be considered outdated and inadequate. A residential parking survey noted to be contained in Appendix D is not present. In Appendix D, some of statistics in the traffic and circulation portion are up to seven-years old and should be updated.

PH Response #12 This comment was received in written form and is responded to in Response to Comment 12-5.

PH Comment #13

Figure 4.5-2 doesn't represent the blind corners, fast speeds and potential hazards at the intersection of Crestmont and Samaria.

PH Response #13 The comment is partially correct. EIR Figure 4.5-2 represents the recommended circulation mitigation measures required to provide safe circulation in the project area. This figure is based on the average vehicle speeds and the minimum stopping sight distances on wet pavement required for the project area, contained in EIR Appendix D, and in Figure 3, Sight Distances and Operating Speeds, contained in the original traffic study for the project. This topic is also discussed in Responses to Comments 3-4, 10-1, 14-7 and 16-2.

PH Comment #14

According to the EIR, there's not going to be enough on-site parking to accommodate the project. They're going remove most of oak trees or at least half of the oak trees, but still there isn't enough

parking in the area. Off-street parking on Crestmont would be allowed. The first left-hand turn into Kingwood is dangerous. People coming up behind very quickly because they're making the turn, and rear-ending could occur. One can't see around the corner very much. The other circulation problem is that the people going into the upper road will have to go all the way to the top of hill, make a U-turn at the tennis club and come back down the hill to enter into this development. A direct left-hand turn into the development won't be possible. The upper Redwood Road area would cause a traffic jam with all these people making a turn there.

PH Response #14 Off-site circulation and parking considerations are addressed in Responses to Comments 3-4, 10-1, 14-7 and 16-2.

PH Comment #15

The site generally is not a good site for a planned unit development. It is very steep, and it would be an unfortunate to construct there.

PH Response #15 The project requires approval of a Planned Unit Development for development of townhouses in an R-30 zoning district. Due to the number of public comments requesting review of a project alternative including only single family homes (and not requiring approval of a PUD), Alternative 3B has been added to the EIR; please refer to Response to Comment 10-10 for a description and impact analysis of this alternative.

PH Comment #16

The plan calls for removing half of the 32 oak trees in that corner; except that there is not enough parking and not enough turn-around room for the emergency vehicles so more parking and trees are lost. In terms of traffic, these drawings don't relate the steepness of the hills as you make a left turn from Redwood Road onto Crestmont. You have roughly a hundred yards before you get to the intersection that will be created by this project. This is a very high hill. In between in the low valley you cannot see people turning left here are going to have these people coming up at pretty good speed behind them and will be invisible to them until they're quite close. People coming down the

hill and the people coming from Redwood Road are coming at pretty good speed and don't see the bottom of this hill.

PH Response #16 Traffic safety considerations are discussed in EIR Chapter 4.5 and in Responses to Comments 3-4, 10-1, 14-7 and 16-2. Emergency vehicle maneuverability at the lower portion of the site is also addressed in these sections of the document, and in Response to Comment 10-10.

PH Comment #17

Trees are the only noise screen between residences and Redwood Road. When those go, the noise will increase considerably, bounced off the hillside above.

PH Response #17 Operational noise increases resulting from the proposed project would be imperceptible against those existing in area. Construction noise would occur during the 24-36 month construction period, and could be disruptive to area residents. This topic is discussed in EIR Chapter 4.9, Noise. It is unclear what noise is referred to in the comment, that would be increased if trees were removed.

PH Comment #18

There is heavily sheared serpentine which is prone to sliding which is held in place by more solid layers on the other side. Those solid layers that are holding that in place are going to be graded to the tune of 8,000 cubic yards spread over the whole site. The knoll also has to be graded.

PH Response #18 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #19

The trees that survive the cutting are going to have their root structure impacted by all of the construction activity. The mitigating factor is we hire an arborist, and that's quite inadequate.

Responses to Public Hearing Comments

PH Response #19 The mitigation measure referred to in the comment is Mitigation Measure 4.4-1, EIR page 4.4-6. The requirement that a qualified arborist be retained by the project sponsor to evaluate the health of the oak trees and to determine the perimeter of a safe construction zone, is not itself intended to mitigate the destruction of the oak trees. Rather, it would be the first step in their preservation. The arborist would be retained to determine whether the oak trees were within the preservation perimeter as defined by Municipal Code Article 7, Chapter 6 (implementing the Tree Preservation Ordinance), and to cooperate with a Tree Reviewer from the Oakland Office of Parks and Recreation to assist the project sponsor in redesigning the project to avoid tree damage, or to apply for and obtain a tree removal permit. This topic is discussed in greater detail in Response to Comment 5-1.

PH Comment #20

Concerns were expressed by upslope residents about hill stability, and proximity to the Hayward fault.

PH Response #20 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #21

Overcrowding is a serious concern at the Carl Munck Elementary School, and should be addressed.

PH Response #21 This topic has been addressed in Responses to Comments 12-4, 14-8 and 20-20.

PH Comment #22

Do homeowners who are closer than any residents of other developments along Redwood Road have any rights with respect to noise abatement and dirt abatement during the construction phase, the hours of construction, and the level of the noise?

PH Response #22 Local residents who may be most affected by the construction phase of the proposed project are encouraged to be involved in the development of construction schedules and noise and dust abatement programs. These issues are addressed in EIR Chapter 4.9, Noise, and in Response to Comment 14-1 (Air Quality).

PH Comment #23

The draft EIR doesn't give adequate consideration to the issue of emergency vehicles and emergency services. Secondly, the draft EIR does not give any consideration to another proposed development right off of the Skyline Boulevard area which is known as the Redwood Creek, Redwood Village Subdivision.

PH Response #23 Provision of emergency services in the project area is discussed in EIR Chapter 4.7, Public Services and Utilities. Emergency vehicle access and circulation is discussed in EIR Chapter 4.5, Traffic and Circulation. Other developments in the project area, which contribute to cumulative impacts, are discussed in various sections of the EIR, and in Response to Comment 10-11. Because the comment is vague as to the area of inadequacy it refers to, this response cannot be more specific than it is. It should be noted that the Redwood Creek Village subdivision EIR that the comment refers to is still in the Administrative Draft stage, and no specific information is currently available.

PH Comment #24

There's an issue regarding cubic yardage in terms of earth that's going to be removed. Is it 8,000 or 80,000 cubic yards of earth that are going to be removed as a consequence of this project? There's an issue regarding the soil instability which has been referred to previously. The draft EIR makes no reference to any design alternatives available in terms of foundations and retaining walls which may or may not be able to secure this soil in the event that the construction project is allowed to go forward. The draft EIR lacks any discussion with respect to the soil erosion and the transport plan

which is one of requirements in the state code. There's no discussion regarding storm and water run off and the impact of such.

Finally, the Oakland Hills and this particular area there's a long history of land instability. I've been living in this area for approximately two years. There has been some litigation involving some developers because units have experienced structural problems as a consequence of landslides and soil instability. These matters need to be seriously addressed before this project is allowed to go forward.

PH Response #24 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #25

There's no discussion in the draft EIR with respect to the city's new driveway policy that was recently passed as a consequence of the recent fire in the Oakland Hills.

PH Response #25 The EIR does not call out every law which would apply to the proposed project's engineering and design; it is expected that the project sponsor would employ professionals to design the project to meet all applicable local, state and federal requirements, and that all building plans would be checked by inspectors at the appropriate City departments for conformance with building codes and standards.

PH Comment #26

A planned unit development should not be authorized on such an extremely steep and seismically dangerous and geologically dangerous site.

PH Response #26 The link between a Planned Unit Development and site's topography or seismicity is not clearly delineated; a response therefore is difficult to craft. The reader may find an answer to this query in Responses to Comments 9-4, 10-10, 10-13, or Response PH#1.

JULY 22, 1992 PUBLIC HEARING COMMENTS

The following is a summary of comments made by City Planning Commissioners and the general public during the second of two public hearings on the Draft EIR, and responses to those comments.

PH Comment #27

Since 1968, there has been a lot of slipping and sliding on Rishell Drive. In the history of Oakland, permits are given against a lot of objections and soils engineers feel they can build on anything. That's part of their science, but there's a greater history in the hill and that is this hill, this particular part of the hill, is unusually unstable. There have been 13 recorded slides in since 1958. In 1956 soils engineers said it was safe to build on the hill, and two years later a mud slide came through, killed a child, destroyed homes and so on. The reports tell you yes this is fine, certain measures can be taken to make the hill safe, but in reality, this part of the hill has seen slide after slide.

One of the slides that took place near the Mormon Temple, on serpentine. The slide took place 45 feet under the ground. They had piers 25 feet dug down. So this was absolutely safe. Twenty-five feet down has got to be safe. Forty to forty-five feet, it moved and the hill went, and it was disastrous. It's not the only example. The other examples are in your report. They talk in the report about the risk of digging into the hill and they will try to minimize the sliding problems.

This says these more resistant shifts in blocking serpentine layers are relatively thin, and if you cut into them they will likely reduce the amount of support they're providing the weaker the serpentine. It says, "Should any structures or part of the structures located within the swale, it would be necessary to design them to resist the anticipated creep movements" -- the anticipated creep movement -- that means it's going to happen. "We anticipate," not "Oh, it could possibly happen." They say plant vegetation -- on page nine -- plant vegetation because that will help make the hill stable. Oh, by the way, it says in the same report you can hardly grow anything on serpentine and we know. We have tried to plant more things on serpentine and the only thing that seems to grow on serpentine are the things that the fire department says don't grow. "Don't grow pine or eucalyptus" and that's all that seems to want to grow on the surface of serpentine. Everything else seems to die including ice plant. Page 12 is the note that says, "We should note your recommendation that cutting operations on this part of the site being held, kept to a minimum in order to minimize the likelihood of destabilizing

the sheared serpentine bedrock located in the bench area." If any of you have a home on this hill, or if anybody's financial or political future could be effected by a disaster happening on this hill based on issuing a permit for building on this hill, no one here would ever consider in the least way issuing a permit on this hill. It is a very dangerous hill. We see signs of sliding all the time. It is built on an area that is documented as an area created by slides.

PH Response #27 An extended discussion of geotechnical considerations associated with development of the proposed site is provided in Response to Comment 10-13.

PH Comment #28

Describing the overcrowding at Carl Munck. Munck was built for capacity of 350 students. They expect 517 this fall. They are at maximum capacity. Every inch of the space of the school is in use. The book storage room is also the computer lab. The library was turned in to a classroom. The library is now on the stage of the multipurpose room auditorium. They have to split assemblies. They don't have enough room in the multipurpose room. Last year the enrollment exceeded the teachers' contractual maximum which meant a new class had to be created. The teachers' lounge is a classroom. And the anteroom to the nurse's office is used for tutoring.

The only space for class last year was the music room off the stage. Since the music room is new a classroom the music classes are shuffled from the teachers' lunch room to the multipurpose room to the hallway depending on where space is available. It's a somewhat simplistic formula that 13 children would require one third of a classroom. What is the cumulative effect of development along Redwood Road that with the projects that have been approved and which are in the consideration process, we have the potential of almost 268 units over a ten year period. Currently, there are a 167 units approved.

PH Response #28 This topic was presented in written form in Comment Letter 12, and is responded to in Responses to Comments 12-4 and 14-8.

PH Comment #29

It's not only the school that's feeling the impact of this development but also our traffic and circulation. Information gathered in the EIR that the traffic consultant counted cars on December 31st. School was not in session. AC Transit indicates that there are over 1,500 students making daily trips up and down Redwood Road. There is increased usage of Redwood Road by residents of Contra Costa County using it as an alternative to the Caldicott Tunnel and Highway 24.

PH Response #29 These issues were raised in Comment Letter 3, and are responded to in Responses to Comments 3-1 through 3-6. The commentor is also directed to Response to Comment 13-7.

PH Comment #30

There is no on-site parking for Pinto Playground. Cars are parked all along Redwood Road over onto Crestmont.

PH Response #30 This comment is responded to in Response to Comment 13-3.

PH Comment #31

Concern was expressed about the inability to perceive the grades, curves and speeds of traffic on these project area streets. When you look at the EIR figures, it looks one dimensional and this really has a serious problem. Also, what is happening is what is being recommended for the Oakcrest residential is in order to access the upper driveway, they will have to go almost to the top of Redwood Road. Legally, they should be making U-turn at the light at Skyline Boulevard. We doubt that this will happen. We suspect that they're going to make their U-turn at the cut in the median strip by the tennis club. We're seeing that happening down the street here. The Skyline Redwood Estates had a cut in the median strip made. There's a big sign saying "no left turn." We're already seeing people go down and almost against traffic and then going up and instead of going down to the light and making U-turn. This median strip is quite wide. It is planted with trees and shrubbery which makes the visibility factor difficult even under the best of circumstances.

Responses to Public Hearing Comments

PH Response #31 Representation of project area street grades is presented in EIR Table 4.5-1, page 4.5-3, and is discussed in PH Response #13. Traffic safety in the project area is discussed in EIR Chapter 4.5, Traffic and Circulation, and in Responses to Comments 3-4, 10-1, 14-7 and 16-2. A U-turn is permitted at the left turnout lane from Redwood Road into the Tennis Club driveway.

PH Comment #32

The residents of Samaria Lane live in a planned unit development. The original developer went bankrupt, and the second developer finished the project only to have the residents bring legal action within three years of final development. Litigation ensued for two years until construction defects were finally corrected. What's the financial security and stability of this particular development particularly based on a letter that was sent by the architect to Miss Burney Johnson on May 7th indicating that Mr. Albanese has found himself in a very difficult position with respect to the commitments he's had to make. Many extensions have already been granted and for this reason, they're requesting that public hearing process for the EIR and the preliminary PUD hearings occur simultaneously because the time saved in this type of approach should be an essential lifeline desperately needed for the projects. The residents of the area are very concerned about this type of action and this type of request and how it will impact upon the thorough analysis of any projects that might be approved.

PH Response #32 Please refer to Response to Comment 12-3.

PUBLIC HEARING PRESENTATIONS

The following are statements made at the public hearing by various persons involved in the project. These statements are derived from transcriptions of tape recordings of the public hearing, and therefore are not considered a verbatim record of these statements. These statements are included here for informational purposes only.

CRESTMONT HOMEOWNER'S ASSOCIATION GEOTECHNICAL CONSULTANT PRESENTATION

My name is Kasim. I'm a senior project engineer of Hallenbeck and Associates. We provided geotechnical consultation to Crestmont Homeowners Association and this was variation reference to a document we prepared recently. I would like to recap in my words what this document says. Basically your involvement was relative to the slope stability and drainage issues. As far as slope stability, the method used by the consultant for the developer are conventional methods, and they also included some specialized techniques where direct observation of the subsurface materials were made. However, the long term stability of the hillside could not be inclusively resolved and addressed based on these predictions. Even direct construction observations may not be sufficient. There will be, from the technical viewpoint, strongly recommended that some kind of monitoring program of the hillside should be instituted. There are some devices that can be installed on the hillside to provide direct monitoring of the small movements of the hillside, and based on that, engineer solutions can be developed to address certain problem areas. It is almost impossible by investigation (INAUDIBLE) to predict the complexity of the hillside to look at the nearby performance of nearby cut slopes that have been open for years. You really can hardly argue pro and con that the cut slopes or the grading being proposed. You can argue on both sides. So that only tells you that there is some sufficient uncertainty to require some monitoring promise. We proposed that the program be started prior to the construction and be maintained during the construction and for two or three months post-construction to provide inclusive opinions in the long-term stability of the slopes. It's not so much the issue of the temporary stability of grade of slopes during the construction but it's the long-term stability. The one other way to address that issue, it is very common to counties and cities these days to require a consultant to provide an independent opinion besides the developer's consultant to see that proper conclusions are being made and the issues had been addressed properly. That's very common, particularly in complicated geology and hillside developments, in complicated geology such as this one.

The other issue having to do with drainage of the present drainage pattern of the properties up on Rishell is maintained. While it's not a problem now, it could become a problem between the owners of the project in the future. There can be drainage in somebody's backyard and the some of these houses up on Rishell having grove downspouts emptying -- I'm making a specific reference to 297 and 301 as an example -- emptying on the slope and it's possible that could create a dispute in the future, whose water is going to be flooding somebody's backyard in that project. So that issue of liability, future liability needs to be resolved. The third issue having to do with ligule (sic) materials that were discovered during the geotechnical investigation in the swale area, and they are most of them around the cul-de-sac, and while even if some of those materials may not be under the buildings themselves but people could build some backyard improvements that could be impacted by these loose fill materials and there could be complications and potential liability issues to the people who live in that subdivision on Rishell from which that fill has originated. These are basically the issues and to recap the fill material, the drainage issue and hillside stability need to be monitored with an independent review.

PROJECT ATTORNEY PRESENTATION

I would like to address three areas. The first is that as misrepresented, Mr. Fettner's report is that it is not a soils analysis that requires no construction. It is a soils analysis, requires protection of the environment during construction. The sentence quoted is incomplete. The end of the sentence is "... when during construction you shall do the following mitigation measures."

The second area is the area of drainage which Mr. Kasim points out, and that's kind of an irony that they hired him to insulate them from liability, and what has occurred, of course, in that is now the home owners on Rishell are on actual notice that they are causing a drainage problem which is in endangering your project, and they will have to take steps to prevent that drainage problem. The final area is the area of retaining walls where Mr. Kasim calls for us to construct them in a reasonably correct way to protect the environment, and, of course, we would do that.

As to the Fettner letter itself, I think that it's a very clearly, thinly disguised attempt to delay and obstruct the entire project by misstating Kasim's report as well as the EIR report. The slide risk issues again will be dealt with by Mr. Kropp who is our soils expert. He will also address the areas of seismic areas. The drainage issues raised again is their problems that they have caused and that they are creating a hazard to your project with or without housing on it.

Regarding open space, the environmental impact report was clear on its face that there are not any endangered species in the area, and therefore, this project cannot negatively impact them. The traffic areas are just not in issue. This is an A intersection at Crestmont and Redwood. It's just not going to be causing a problem. Redwood Road is a 60 percent occupied road. Not a problem. In terms of the legal issues raised, again I feel that they are of no consequence. If you want a specific answer on each of them, I'd be glad to do that. The final issue is the issue of density, and I'd like to point out to this commission that the last two projects that you have approved on that hill, both Montebello and Leona, have a density equal to ours and that takes into consideration that most of those projects are R-40 and ours is an R-30. Both of those projects were built up to 80 percent of their allowable density in an R-40. We are asking for 80 percent of your allowable density for an R 30.

Finally, Public Resources Code Section 21085 prohibits you from reducing the housing density if an alternative will provide comparable mitigation, and I think the proposal just presented to you by Mr. Burn will provide you with comparable mitigation of all the environmental issues that were raised.

PROJECT ARCHITECT PRESENTATION ON MODIFIED ALTERNATIVE

The redesign of site is really in response to Chairperson Smith. At that time, one of his requests getting the alternatives involved and more of a diagrammatic rather than a verbal explanation as the EIR addresses. So what we have up behind you to the left is the original proposal which deals with 16 duplex cluster units, duplexes and triplexes on the lower portion of the site and one single unit down there on the lower portion of the site, upper portion of the site which is as your looking at the rendered site plan, would be the -- Mr. Affasari will point this out. We're talking about the one on the left, the original one right now. And then we had on the upper portion of the site were 15 single family units. Alternative II in the EIR addresses rearranging the site.

Let me back up just a brief moment. Yesterday afternoon, we delivered to Nixon Lam, one of your staff, some reduced drawings of this alternative that you're seeing on the right, as well as the description of alternative as explained in the EIR. Do you have that? Have you had a chance to review those, or do you know that you've got those? Those are them. So what you're seeing here is an Alternative II -- somewhat modified from the description in the EIR. And what this deals with there are some the main issues. It seemed like what we were hearing from the comment from the Crestmont Homeowners Association were the issues that we've addressed in this alternative. One was the knoll, and the knoll is the area that Mr. Affasari pointed out. That's the knoll, and on the model that's in front of you, you can see the knoll off of Crestmont and Redwood Road. There are a lot of oak trees down in there. Some are healthy and some are not quite as healthy, but as we go forward with the project, some of the less healthy would be looked at by the arborist and dealt with

accordingly. But what we've proposed in this alternative, this modified Alternative II, as described in the EIR is that we would have no units on the knoll area, and thus, we would save all of those healthy oak trees down in that area.

We've reduced the number of units to 12 units on this lower section, and this also addresses a couple of the other issues that they had. One was on the traffic on Crestmont. It would reduce the units by five units on the lower portion. The visual impact on the lower portion, the knoll, would be preserved, and that's the one of the most valuable attributes of the site is that knoll, and we recognize that.

The other concern of one of many concerns that they had as far as hill stability. We would eliminate much of excavation on that a lower portion as well, and we would thus eliminate a lot of the retaining wall and any of the excavation or much of the excavation in the rhyolited area down below. Then we'd also reduce the parking demand in that area. That was an issue that came up in the EIR. And what we've done though and what this the Alternative II, the first reduction that you have in your package there, deals with it as it describes and that was taking units 13 and 14, I believe, on the upper portion and putting them down on top of the knoll into the oak trees. Well, to save the oak knoll, we came up with this alternative, and we're introducing two of the duplex units on the upper portion right when you come off of Redwood Road. But we're keeping your density of 32 units. So we've increased the number of units on the upper portion by the five units but we've reduced it on the lower portion.

Another issue that has come up in both the EIR and some of the comments from the Crestmont Homeowners Association was the amount of parking that we had. There is a little parking calculation in this package that we gave you. The EIR -- the City's zoning regulations require so much parking, and then EIR, through the survey, came up with a higher parking requirement, and so what the calculations show you in this Alternative II that we have in front of you here is that we based on the number of town homes that what's required by the City's zoning regulations are 1.5 per town home, giving a total of required spaces of 18 spaces on the lower area.

When we interpolated the EIR recommendation they came back -- when we took the number of units that we had, they came up with a town home and that was based on rooms is how they come up with their survey which is 2.24 per town home which required for 27. The EIR recommendation, and what we've provided is less but (INAUDIBLE) that to the City's zoning requirements. We meet the city zoning requirements on that lower portion. On the upper portion we have quite a surplus. The City zoning requirements require that we have 13 or -- excuse me, 38 spaces on the upper portion. The EIR recommendation, when we use their interpellation of 2.24 per town home, and it's 2.73 per single family home, requires 53 spaces. On the upper portion what we've provided on that upper portion is a total of 66 spaces. So we have a surplus on the upper portion. That's how we've, I guess, modified your plan, is we have just responded to -- in giving you a more graphical description as asked for in the EIR and Alternative II, and we've also taken that Alternative II and twisted it a little bit so that we could save the knoll, and I think that was one of the concerns Mr. Smith had at that time. That's what we've done since.

Again I'd like to mention that Rena Rickles is here to represent Mr. Albanese, and Mr. Kropp is here to answer further information about the soils report. Right before I get off there was a question about the soils report, and since it had gone over three years whether it was still valid, and Mr. Kropp since our last hearing has addressed that in a letter revalidating the soils report.

PROJECT GEOTECHNICAL CONSULTANT PRESENTATION

I'm the soil engineer for the applicant on this project. We've also been the soil engineer for Montebello Terrace Estates along Redwood Road, and have come to measure the complex geology in that neighborhood, and I have most of the documentation on the tennis court slide as well and have taken that into account being familiar with the rerouting of all the traffic there and the problems that occurred so that we're confident that the kind of geologic setting that is present here is different than the geologic framework that attributed to the slide that fell on Redwood Road more similar to the geologic framework that exists further down the road, the Redwood Estates area, and partially into the Redwood Montebello Terrace.

The specific issue that I was asked last time that I've submitted a letter to you on in your report which was submitted almost four years ago, there's a clause that says this report is good for three years. Unless we have the opportunity to review and reaffirm that the information is still valid. We've done that and submitted a letter to you to indicate that we're still confident that your findings are applicable.

At the present time, the homeowners group has engaged the firm of Hallenbeck and Associates, good local company familiar with geotechnical setting, to look at our work, and so that has been done. It's been submitted in writing. I assume you have a copy of that -- should soon be getting a copy of that, and in essence, they're in agreement with us and with the geologist from EIP. We've all agreed that there is not a basis to say there is an instability problem which should preclude development of this site.

The author of that letter, Decasine, said we've done what is reasonable to do prior to construction. When you get to construction you open new areas. You may see things that you haven't seen before. Be very vigilant in observing those areas, and you may need to respond with some stronger walls, with some different buttressing. A variety of techniques are then available should you see something in your excavations that are different than you have anticipated based on the subsurface work done to date. We have agreed with that, and so I think all the geotechnical input to date is in agreement. The project should go forward and be very carefully monitored during construction.

One of the other issues raised in the letter from the attorney was with regard to seismic issues. The Hayward fault runs down at the base of Redwood Road in the vicinity of Highway 13. We're considerably up hill of there. There's no maps by the California Division of Mines and Geology, U.S. Geologic Survey or anybody that says there is any suspicion of active faulting in the area. We've done all the typical things you do unless you suspect there's an active fault, and I think we've pretty well covered the seismic issues. I think that covers most of the key questions about geology and slope stability and seismic issues unless anybody has further questions.

INFORMATIONAL ATTACHMENTS



Hallenbeck & Associates

geotechnical & environmental engineering

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MEMORANDUM

BY: Adel Kasim
Licensed Geotechnical Engineer

Philip Stuecheli
Certified Engineering Geologist & Registered Geologist
HALLENBECK & ASSOCIATES

TO: Crestmont Homeowners Association
Attention: Mary Warren
Job No. 6717

RE: Preliminary Review of EIR Report for the
Oakcrest Planned Unit Development, Oakland

June 29, 1992

In accordance with your request, we have reviewed the EIR report for the subject subdivision and the following is a presentation of our comments and opinions. This memo presents preliminary findings, based on a brief review of the EIR report, site reconnaissance to observe drainage and geologic conditions that could be discerned by visual reconnaissance, review of air photographs and geologic literature as well as our experience in the area. Our opinions are of a preliminary nature to identify slope stability (Section 4.2 and 4.2-2 of Table 2-1) and drainage (Section 4.3 and 4.3 of Table 2-1) issues, and their significance to the homeowner's association from a planning perspective. Issues that have to do with the interior of the project itself were judged not to be relevant to the homeowners. The following is a brief review of each key issue with a suggested approach and comments to address the issue. We attach a figure to highlight the key areas addressed by this document.

1. Slope Stability

Performance of graded slopes in the vicinity indicates that in some cases problems were insignificant, whereas in other slopes problems occurred reflecting the complex nature of the bedrock materials. The bedrock that forms the hillsides under the project and most of the Crestmont area is highly faulted, deformed and sheared. The subsurface geology of the bedrock formations and the locations and orientations of shear surfaces are very difficult to predict. Consequently it is very difficult to provide a conclusive geotechnical evaluation of the stability condition of slopes on the project and above at the planning/design phase.

Our emphasis in our evaluation was on the area of the hillside between the rear side of the proposed residential buildings, all the way upslope to the backyard of the

member homeowner houses (see Figure). The long term stability situation of this slope would probably be made more complicated by the proposed cuts on the upslope side of the subdivision street. The planned cut will cause stress relief and unloading of highly sheared serpentine bedrock (SP1) and possibly slopewash (QSW) in the slope which should be specifically evaluated and addressed. Evaluation of slope stability risks in this area would require a specific slope stability analysis. Because of the very complex geologic structure, we believe only a limited evaluation is feasible at the planning and investigation stage, and that a follow up evaluation of this condition should be made, guided by the following approach. During construction and excavation of cuts, the project geologic and geotechnical consultant should make a careful examination of the materials exposed, and update and reevaluate the stability evaluation of each cut. It is possible that there may be deep, critically oriented potentially weak surfaces in the sheared rocks, that could be affected by the proposed cuts. We feel that this hazard could be monitored and addressed with installation of an inclinometer casing(s). An inclinometer casing is a surveying device used to monitor slope movements, which could be installed in the area between the planned buildings and the member homeowner houses (see Figure). Inclinometers could be commissioned for a period of at least a few years and could monitor the condition of the slope prior to, during, and after excavation, and should experience at least a few winter cycles for the readings and conclusions to be valid. Based on the construction observations, the investigation data, and the inclinometer readings, the geologic and geotechnical consultant should make final/updated conclusions and recommendations to mitigate any slope concerns.

Individual grading plans for the houses up from the street and at the cul-de-sac should also be well defined and included in the review as they may involve additional cuts and grading.

2. Drainage

This pertains primarily to surface drainage, but may also apply to subsurface drainage. With the member homeowner houses being above the proposed development, some runoff water from the backyards or roof downspout water of the member houses, or from general hillside runoff, would probably be directed towards the proposed development. At present, the land of the proposed development is open space and this drainage may not be an issue. However, in the future it could become an issue if the present drainage pattern is maintained. Future homeowners in the planned subdivision may complain of drainage directed from the hillside towards their backyards. It would not be feasible for some of the houses along Rishell Drive to pipe their water to the street and it may still have to be discharged on the slopes. It might, however, be feasible to divert roof water from other houses to the street. Consideration should be given to handle and address this situation so it would not become a cause for dispute between the member homeowners and the future owners of the subdivision homes.

3. Retaining Walls Supporting Cutslope

A series of segmented retaining walls are planned on the upslope side of the upper proposed subdivision street. The proposed cuts could have implications, on the local slope stability and could potentially have implications on the condition of the slopes above the proposed project which border the member homeowner houses.

While it is not our assignment to specifically discuss the design criteria of these walls, we believe the design of the walls should consider, among other things, the stress relief of the slope above it and potential implications to the slope stability as well as the likely possibility that the wall foundations will gain support in highly sheared bedrock formations.

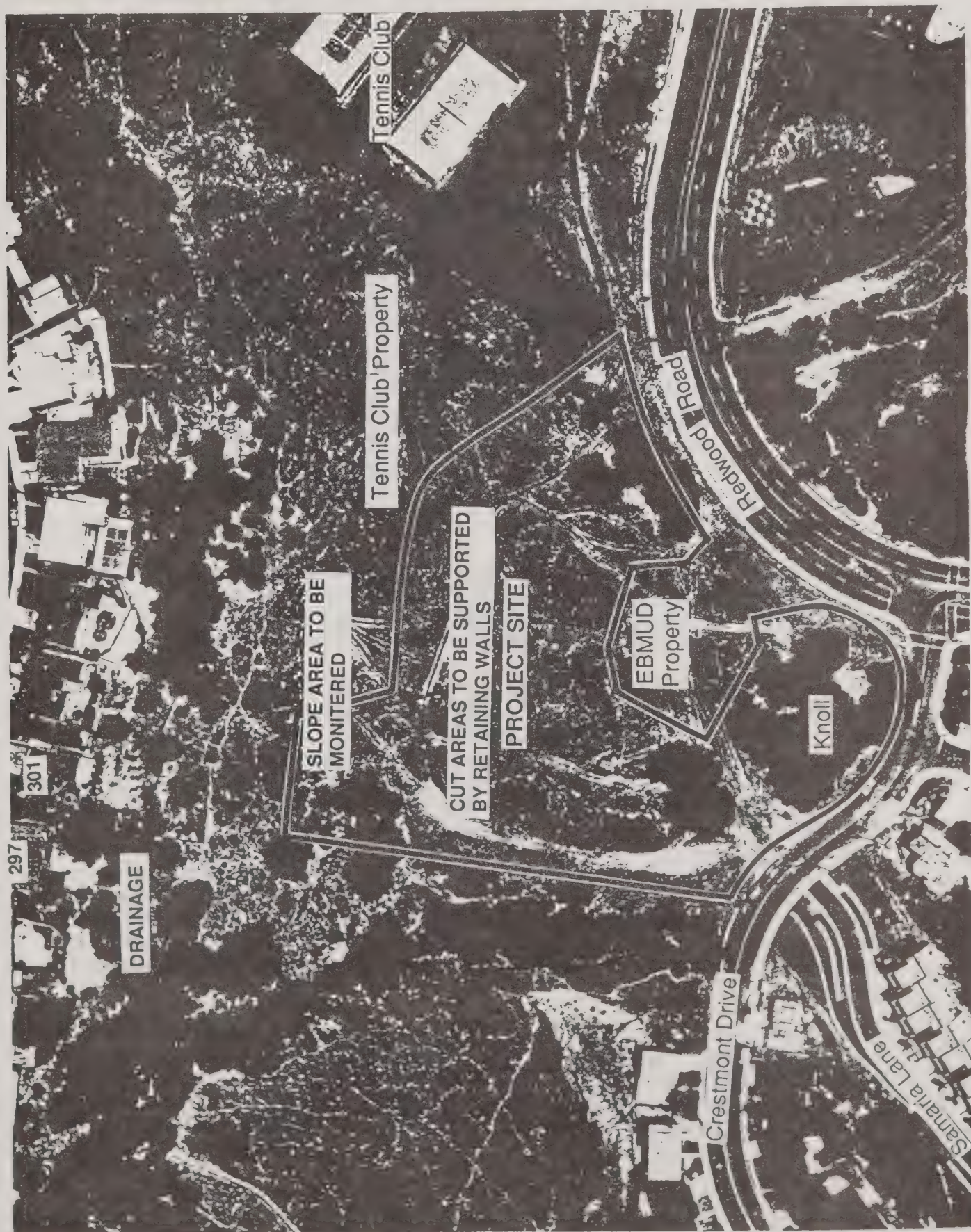
4. Consultation and Supervision

Based on the consultant list of the EIR report, it appears that the geologic and geotechnical consulting team for the developer consists of Darwin Meyers and Alan Kropp. Both are reputable consultants and highly qualified to address the issues at hand, provided that these issues and concerns are pointed out and these consultants are asked to study and address these issues.

We emphasize that the above described issues/comments are of a preliminary nature and, based on the information provided to us, literature in our files, a brief site reconnaissance, and our experience. Obviously, more additional geologic and geotechnical work can be made to explore these issues and other potential issues, and to address the resolutions to these issues as warranted. We would be pleased to provide these services, as needed, and authorized by the homeowner association.

It is common in many hillside subdivisions involving unusually complicated geology, for the city to hire an independent consultant with an oversight assignment to observe and report his/their own opinion of the conditions observed during construction and the appropriateness of the solutions recommended by the developer and his consulting team. We are aware that the City of Oakland routinely retains the services of Woodward Clyde Consultants who are very highly reputable and experienced firm. We recommend that the homeowner association look into suggesting that the City to engage their reviewer to provide opinions, both in the planning, investigation and design phase, and more critically during construction including review and evaluation of the slope monitoring program described above.

END



July 29, 1992
1025-1C, L 17925

Mr. Frank Albanese
6363 Redwood Road
Oakland, CA 94619

RE: Geotechnical Evaluation
Oakcrest PUD
Oakland, California

Dear Mr. Albanese:

At your request, I am submitting additional geotechnical evaluation data regarding the Oakcrest Planned Unit Development. This firm previously performed studies at this site and appeared on your behalf at Planning Commission public hearings. The purpose of this letter is to respond to supplemental information which has recently been provided to the Commission.

The Crestmont Homeowners Association engaged Hallenbeck and Associates to perform a general geotechnical evaluation of the Oakcrest site. They have agreed with the conclusions which were reached by our previous studies. They have generally indicated that it would be appropriate to go ahead and approve this project so that construction can begin. Because of the complex geological environment, they said that construction evaluations during excavation of the site should be made to confirm that no adverse conditions are exposed. We agree with this conclusion. They also note that inclinometers could be used to further evaluate the conditions before, during and after construction. Although some information would be given by such instrumentation, it is our opinion that it would likely be relatively expensive and would probably not yield significant information. They have also recommended that the city could consider hiring another geotechnical firm to review the conclusions of our study. At this time, the EIR geologists, our consulting geologist, Hallenbeck and Associates, and the undersigned have all evaluated the site and come to the same conclusion: the site is suitable for development and there are no slope stability concerns which should preclude construction.

At last week's public hearing, one of the nearby homeowners submitted a compilation of articles regarding slope stability problems in the area. The majority of these sites were located within a concentrated area which is known to have geological weaknesses and problems. This is located several thousand feet to the north of the subject site and in a modified swale feature. The only landsliding in the immediate vicinity of the site occurred at the Oakland Tennis Club, located

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1025-1C

southeast of the proposed parcel. The tennis club site is underlain by the sheared serpentine, which was present in only localized areas on the subject site. Therefore, the geologic conditions present at the Oakcrest site are substantially different from those which were present at the tennis club site. It is our opinion that the subject site and the immediate area around it has not experienced historic instabilities while weaker areas in other portions of the hillside have experienced slippage. The maps applied along with the packet of articles shows that no slippage has been reported in the immediate vicinity of the site. This again is confirmed by the geologists and soil engineers who have studied this site and have concluded that no obvious slope stability concerns are discernable on the property. Review of older aerial photographs of adjacent areas does indicate ample evidence of instabilities in those areas prior to the development of those sites.

The opinions and conclusions presented in this letter are made in accordance with generally accepted geotechnical principles and practices. No other warranty, either expressed or implied, is made.

If you have any other questions, please contact me.

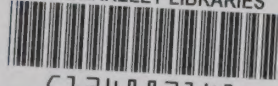
Very truly yours,

Alan Kropp, G.E.
Principal Engineer

AK/dmr

Copies: Addressee (2)
City of Oakland, Planning Commission (1)
Rena Rickles (1)
Collaborative Design Architects (1)
Attn: Jim Burns
MaMar (1)
Attn: Behzad Afsari

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